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COBBETT'S

Parliamentary History

OF

ENGLAND.

VOL. II.

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William COBBETT'S

Parliamentary History

OF

ENGLAND.

FROM THE NORMAN CONQUEST, IN 1066.

TO

THE YEAR, 1803.

FROM WHICH LAST-MENTIONED EPOCH IT IS CONTINUED DOWNWARDS IN THE WORK ENTITLED, "COBBETT'S PARLIAMENTARY DEBATES."

VOL. II.

COMPRISING THE PERIOD FROM THE ACCESSION OF CHARLES THE FIRST, IN MARCH 1625, TO THE BATTLE OF EDGE-HILL, IN OCTOBER 1642.

LONDON:

PRINTED BY T. CURSON HANSARD, PETERBOROUGH-COURT, FLEET-STREET.

PUBLISHED BY R. BAGSHAW, BRYDGES-STREET, COVENT GARDEN; AND SOLD BY J. BUDD, PALL-MALL; R. FAULDER, NEW BOND-STREET; H. D. SYMONDS, PATERNOSTER-ROW; BLACKS AND PARRY, LEADENHALL-STREET; AND J. ARCHER, DUBLIN.

July 1807.

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THE present Volume comprises the Period from the Accession of CHARLES THE FIRST, in March 1625, to the first Battle fought between the King's Forces and those of the Parliament at EDGE-HILL, on the 23rd of October, 1642. The general plan of this Work has been so fully set forth in the preface to the former volume, that it is unnecessary to offer any thing further on the subject. The Parliamentary or Constitutional History of England, first published in the year 1751, has been made the ground-work of the following pages. The Journals of both Houses of Parliament, together with the Collections of Rushworth, Nalson, and Husband, and the Memorials of Whitlocke, have in every instance been carefully consulted; and from Clarendon, Hollis, Warwick, Saunderson, and other contemporary historians, numerous circumstances have been collected, which greatly contribute to illustrate the Debates and Proceedings in Parliament during this distracted period. Many of the long Declarations, Remonstrances, &c. which passed by way of altercation between the King and the Parliament, it was at one time thought adviseable to omit, or at least to abridge; but when it was considered that these Documents throw great light upon the succeeding transactions; that many of the subsequent disputes took their rise from particular expressions used in them; and that they are no where to be met with entire, but in the Lords' Journals, it was at length determined that the whole of them should be preserved in the present Collection.—The Table of Contents, which has been made out upon an enlarged scale, will be found highly useful, particularly so during the progress of the work, and until the appearance of the GENERAL INDEX which will be given in the last Volume.

July, 1807.

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COBBETT'S

Parliamentary History.

CHARLES I.—A.D. 1625.

NO sooner had Charles taken into his hands the reins of government (March 27th, 1625), than he issued his writs, dated April 2, for summoning a new parliament on the 7th of May. But on account of the arrival of the princess Henrietta of France, whom the king had espoused by proxy, it was again prorogued to the 13th of June, and from thence to the 18th of the same month.

The King's Speech on opening the Session.] June 18. The King being seated on the throne, the Lords in their robes, and the Commons present below the bar, his majesty commanded prayers to be said; and, during the time of prayers, his majesty put off his crown, and kneeled by the chair of estate. Then it pleased his majesty to declare the cause of the summons of this parliament, in manner following:

"My lords spiritual and temporal, and you gentlemen of the house of Commons, in this parliament assembled; I thank God, that the business to be treated on at this time is of such a nature, that it needs no eloquence to set it forth; for I am neither able to do it, nor doth it stand with my nature to spend much time in words. It is no new business, being already happily begun by my father of blessed memory, who is with God; therefore it needeth no narrative.—I hope in God you will go on to maintain it, as freely as you advised my father to do it. It is true, he may seem to some to have been slack to begin so just and so glorious a work; but it was his wisdom that made him loth to begin a work, until he might find a means to maintain it: but after that he saw how much he was abused in the confidence he had with other states, and was confirmed by your advice to run the course we are in, with your engagements to maintain it, I need not press to prove how willingly he took your advice; for, the preparations that are made, are better able to declare it, than I to speak it. The assistance of those in Germany, the fleet that is ready for action, with the rest of the preparations, which I have only followed my father in, do sufficiently prove, that he entered, not superficially, but really and heartily, into this action.—My lords and gentlemen; I hope that you do remember, that you were pleased to employ me to advise my father, to break off those two Treaties that were now on foot; so that I cannot say, that I came hither a free unengaged man. It is true, I came into this business willingly and freely, like a young man, and consequently rashly; but it was by your interest, your engagements: so that though it were done like a young man, yet I cannot repent me of it, and I think none can blame me for it, knowing the love and fidelity you have ever born to your kings; having myself, likewise, some little experience of your affections. I pray you remember, that this being my first action, and begun by your advice and intreaty, what a great dishonour it were both to you and me, if this action, so begun, should fail of that assistance you are able to give me. Yet knowing the constancy of your love both to me and this business, I needed not to have said this, but only to shew what care and sense I have of your honours and mine own.—I must intreat you likewise to consider of the times we are in, how that I must adventure your lives, which I should be loth to do, should I continue you here long; and you must venture the business, if you be slow in your resolutions. Wherefore I hope you will take such grave and wise counsel, as you will expedite what you have in hand to do: which will do me and yourselves an infinite deal of honour; you, in shewing your love to me; and me, that I may perfect that work which my father hath so happily begun.—Last of all, because some malicious men may, and, as I hear, have given out, that I am not so true a keeper and maintainer of the true Religion that I profess; I assure you, that I may with St. Paul say, that I have been trained up at Gamaliel's feet: and although I shall never be so arrogant as to assume unto myself the rest, I shall so far shew the end of it, that all the world may see, that no man hath been, nor ever shall be more desirous to maintain the religion I profess, than I shall be.—Now because I am unfit for much speaking, I mean to bring up the fashion of my predecessors, to have my Lord Keeper

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speak for me in most things: therefore I have commanded him to speak something unto you at this time, which is more for formality, than any great matter he hath to say unto you."

The Lord Keeper's Speech.] Then the Lord Keeper, Williams, added, "That the king's main reason of calling the parliament, besides the beholding of his subjects faces, was to remind them of the great engagements for the recovery of the Palatinate, imposed on his majesty by the late king his father, and by themselves, who brake off the two Treaties with Spain. Also to let them understand, That the succeeding treaties and alliances, the armies sent into the Low Countries, the repairing of the forts, and the fortifying of Ireland, do all meet in one centre, the Palatinate; and that the Subsidies granted in the last parl. are herein already spent, whereof the Account is ready, together with as much more of the king's own revenue. His lordship further commended three circumstances to their considerations: 1st, The Time; all Europe being at this day as the pool of Bethesda, the first stirring of the waters must be laid hold on: wherefore his maj. desires them to bestow this first meeting on him, or rather on their actions; and the next shall be theirs, as soon, and as long as they please, for domestic business: 2ndly, The Supply; if Subsidies be thought too long and backward, his maj. desires to hear, and not to propound the manner thereof: 3rdly, The Issue of this Action; which being the first, doth highly concern his majesty's honour and reputation, for which he relies upon their loves, with the greatest confidence that ever king had in his subjects; witness his royal posey, 'Amor civium regis munimentum:' and he doubts not, but as soon as he shall be known in Europe to be their king, so soon shall they be known to be a loving and loyal nation to him."

The Speaker's Speech.] June 20. The commons presented sir Thomas Crew, knight, serjeant at law, for their Speaker; who made his formal excuse; but being confirmed in his office, he addressed himself to the throne in words to this effect: "He first protested that he undertook the office of Speaker, in obedience only to his maj.; he remembered the proceedings in the last most happy parl. in which it pleased the late king, of famous memory, to ask the advice of his people; and expressed their joy that God, who hath the power of the hearts of kings, directed his maj. that now is, to proceed in the like parliamentary course. That, as a woman forgets her sorrow at the birth of a man child, so they, when his maj. was placed on his father's throne. And shewed their hopes, that as good king Hezekiah, was five and twenty years of age, and having a wise and great council, when he began to reign, and, at his first entrance, shewed his zeal to God and his care for Religion; so his maj. being of the same age, and having a faithful people to advise him, will maintain true religion and the antient laws, so much esteemed in all ages. In this, he said, their hopes were the greater, for that his maj. begins with a parliament. And remembered his father's charge to maintain our religion, and God's merciful power to bring his maj. back out of danger when he was in a strange land, and their sorrow for his then absence, and exceeding great joy at his safe return; and humbly besought his maj. That now God had put the sword into his hand, he would extend it for the Recovery of the Palatinate, so dishonourably gotten and kept by hostile arms; which was anciently a refuge for religion; and not to suffer those locusts the Jesuits to eat up the good fruits of this land. He acknowledged his maj.'s stem to be lineally descended from Lucius, the first British king that embraced the gospel; and concluded with the accustomed petitions for freedom from arrests, 'eundo, sedendo, et redeundo,' during this parliament; for freedom of speech in their consultations; not doubting but to confine themselves within the limits of duty and modesty; access to his maj. on all needful occasions; and a benign interpretation of all their actions, and of this his speech in particular."

The Lord Keeper's Answer.] The Lord Keeper, having first had conference with the king, answered to this effect: "That his maj. had amply accepted the Speaker's obedience, though he refused his sacrifice. That he remembered the last parl. to be happy; as it was so accounted by the late king, so esteemed by his maj. and so it proved by the event, in which the two Treaties with Spain were dissolved, and so many gracious laws enacted. It became the late king so to close his government; in which parl. our present king being a principal actor, he can never forget the desires of the Commons nor the wishes of the Lords.—That his maj. takes in good part mr. Speaker's observation of the five circumstances of his entrance to the crown; as that he began with a parl.; that he came to us with noble blood, being lineally descended from the ancient British kings; that his succession sweetened the loss of his glorious father; that God was with him in a strange land, and delivered him from thence; even as God was with Moses so be he always with his maj. to which let all say Amen. And, lastly, that his maj. professes the true religion, it being the last blessing his father gave him to have a special care thereof. As mr. Speaker recommends to his maj. the laws of the land; so he also recommends the same to the lawyers; that they study the ancient laws themselves, and not the abridgements. And whereas you represent to his maj. that unjust acquisition of the Palatinate, the dishonour of our nation, no man can but be sensible of his maj.'s care for the recovery thereof; he having given a lively representation of his affection to it himself the other day in this place. He now hopes that ye who first drew him into this action will give him such Supplies as will enable him to perform it.' And, as touching the Banishment of those Locusts the Priests and Jesuits, his majesty commends that saying of St.

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Ambrose, 'That the poorest man hath interest in Religion.' Yet, he desires you to trust him with the manner thereof, and he will be careful to give you good satisfaction of his zeal therein. Lastly, as touching mr. Speaker's petitions for your privileges, his maj. grants them all without any limitation; knowing well that yourselves will punish the abuses thereof."

The Commons appoint a Fast among themselves.] The first business done, in the house of commons, was to appoint a solemn Fast amongst themselves.* It had been the custom in several late parliaments to begin in the same manner, but now it was, more particularly, urged, on account of the general Plague which was round them.

Motion for a good Harmony between King and Parliament.] June 22d. Sir *B. Rudyard* spoke to this effect: "That the late distates between the late king and parliament, were the chief cause of all the miseries of the kingdom. The first turn of which, towards a reconciliation, was given by the now king, then prince; by which accrued more benefit to the subject, than in any parliament these many hundred years. What may we then expect from him, being king, and having power in his own hands? his good natural disposition; his freedom from vice; his travels abroad; his being bred in parliaments promised greatly. Therefore, he moved to take such course now to sweeten all things between king and people, that they may never afterwards disagree."

Sir *Edw. Coke* moved, "That there might be no Committees for Grievances or Courts of Justice; first, in respect of the Plague; next, because this was the very beginning of the new king's reign, in which there can be no Grievances as yet; 3rdly, because the Petition against Grievances, in the last parliament of the late king, was preferred too late; only to petition for an Answer to these. For, though the Prince is gone the king liveth; no Interregnum."

The rest of this day's debates turned, chiefly on raising a Supply, and the old topic of putting the laws in execution against Jesuits, Popish Priests, &c. The Solicitor General acquainted the House, "That the king had taken care of their Grievances preferred the last parliament; and, at any one day the house would assign, satisfaction would be given them therein."

The Plague still raging more and more, in and about London, made the members of both houses very uneasy in their situation at Westminster; some of them taking notice, that the bell was tolling every minute, whilst they were speaking. At the petition of both houses, the king proclaimed a general Fast, all over the kingdom, on a certain day; and his maj. in person, went with the two houses to prayers and sermon, at St. Margaret's church in Westminster.

July 4. Sir Edw. Coke reported the king's Answer to the Commons Petition, about a recess from parliament, at this sickly season: "That the king had taken their safety, which he valued more than his own, into consideration; and when he should hear the Commons were ready with their bills (for he would not hasten them in any thing,) he would put an end to this session."

The Lords reject the Bill of Tonnage.] July 5. The bill for granting two entire Subsidies, passed the commons; Tonnage and Poundage was also given; but because it was limited for one year, whereas former grants to his majesty's predecessors were for life, the house of lords would not pass it. It was also declared, "That the intention and resolution of the house was, as in the act of Subsidy, 21 Jac. that all charges mentioned there, are to be deducted out of the Subsidies and Fifteenths, and to be paid according to that act."

Complaint against Dr. Montagu.] July 7. An affair came on in the House of Commons, which made a considerable noise at this time. A Complaint had been made there against one dr. Montagu, for printing and publishing a book, called "An Appeal to Cæsar." The Recorder of London, one of the committee appointed to examine into this matter, made a report, "That the abp. of Canterbury had censured the said dr. Montagu for a former book,* and had told him, that tho' there were some things in it which might receive a favourable interpretation; yet there were others in it not of that nature. In which the committee all agreed, That the abp. had done what was fitting: but they were of opinion, That there were many things contained in the doctor's book directly contrary to the Articles of Religion established by parliament; as, that the Church of Rome was 'vera Christi ecclesia, & sponsa Christi;' and that the said church 'eadem fundamenta doctrinæ & sacramentorum nititur:' That the committee held this second book as factious and seditious, tending manifestly to the dishonour of the late king, and the disturbance of both church and state. For the first, he denies that Arminius was the first that infected Leyden with errors and schisms: that the Synod of Dort, so honoured by the late king, was slighted by him; calls it 'forinsecus,' and partial; he knows not what ends they had, nor cares for them: He directs his book to the present king, and calls it 'Appello Cæsarem,' and yet says the Pope is not Antichristus; which is contrary to what the late king himself had wrote to all Christian princes. The committee think that there is enough in this book to put a jealousy between the king and his well-affected subjects. Says there are some amongst us that desire an Anarchy, and means

* In the year 1581, the Commons having appointed a Fast, by their own authority, the queen highly resented it as an intrusion upon her authority ecclesiastical, see Vol. I. p. 811.

* The first book was called, "A new Gag for an old Goose," in Answer to a Popish Book, called, "A Gag, for the new Gospel."

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the Puritans, whom yet he hath not defined. He plainly intimates that there are Puritan bishops; which the committee conceived tended much to the disturbance of the peace in church and state. He respects Bellarmine, but slighted Calvin, Beza, Perkins, Whitaker, and Reynolds. In his book he much discountenances God's Word, disgraces lectures and lecturers, and preaching itself; nay, even reading the bible. That never a saint-seeming, bible-bearing, hypocritical Puritan was a better patriot than himself. That the whole frame of the book was to encourage Popery; in maintaining the Papists to be the true church, and that they differ not from us in any fundamental point. If therefore they hold us heretics, and not to be saved, and we hold the contrary of them, who will not think it safer for us to be in their church than in ours? The Papists read, and commend this book to others to be read; whereas they suffer none of ours to be read amongst them. Lastly, He had done an injury to that house in two points: That when he knew his first book was there questioned, and referred to the abp. of Canterbury for censures, he prints a new book worse than the former. And whereas a petition had been preferred to this house by one Yates and Ward, he says they are Puritans, altho' they have subscribed the Articles; and to revile them for this, is a reflection upon the House."—Upon the question it was resolved, That, at their next meeting, the lords should be acquainted with these books, and a conference to be prayed with their lordships about them: likewise for a touch, as it is termed, to commit him to the custody of the serjeant at arms, to answer his contempt in the next session. But the king sending a message to the house, that dr. Montagu, being his servant and chaplain in ordinary, he had taken the cause into his own hand; wished they would enlarge him, and that he would take care to give the house satisfaction in it; the doctor, upon giving in bail of 2000l. was discharged out of custody.

Lord Conway represents the State of foreign Affairs.] July 11th, the day that both houses desired a recess, on account of the Plague, after a motion to that purpose, the Commons ordered, "That their house should be called over the third day of the next meeting, and those members that were absent should incur the censure of the house." Afterwards, being informed by the lords, that a commission was come to them to pass the bills, and adjourn the houses, the Speaker went up with the rest; and, upon presenting the Subsidy bill, which, he said, was "the first fruits of their love," the lord Conway, secretary of state, spoke to this purpose; "He signified the king's gracious acceptance of the bill of two Subsidies; yet, that the necessity of the present affairs were not therewith satisfied, but required their further counsels. He reminded them that the late king was provoked beyond his nature, to undertake a war for the recovery of his children's ancient patrimony; that the charges of this war appeared, by computation, to amount unto 700,000l. a year; to support the Netherlands, and to prevent the emperor's designs of concluding with the princes of Germany, utterly to exclude the Palsgrave, he levied an army under Count Mansfield; the kings of Denmark and Sweden, and the princes of Germany, levied another; France, Savoy, and Venice, joined together for a war of diversion; and, lastly, to uphold the Netherlands, the charges of Mansfield's and the Danish army must yet continue."—The Lord Keeper then told the houses, "That his maj. had received their Petition about Religion, and had answered it, in some measure, before; but now he had done it to the full;" which Petition and Answer will appear in the sequel. Afterwards the two houses adjourned to the 1st of August next, at Oxford.

The King's Speech.] Aug. 1. The parliament met at Oxford; and, on the 4th, the lords and commons were commanded to attend the king, in the Great Hall at Christ Church; where he spake to them as followeth:

"My lords, and you of the Commons; We all remember, that, from your desires and advice, my father, now with God, brake off those two Treaties with Spain that were then in hand: well you then foresaw, that, as well for regaining my dispossessed brother's inheritance, as home defence, a war was likely to succeed; and that as your counsels had let my father into it, so your assistance, in a parliamentary way, to pursue it, should not be wanting. That aid you gave him by advice, was for succour of his allies, the guarding of Ireland and the home parts, supply of Munition, preparing and setting forth of his Navy. A council you thought of, and appointed for the war, and treasurers for issuing of the monies: and, to begin this work of your advice; you gave three subsidies, fifteenths, and tenths; which, with speed, were levied, and, by direction of that council of war (in which the preparation of this Navy was not the least) disbursed.—It pleased God, at the entrance of this preparation, (by your advice begun) to call my father to his mercy, whereby I entered as well to the care of your design, as his crown. I did not then, as princes do, of custom and formality re-assemble you, but that, by your further advice and aid, I might be able to proceed in that which, by your counsel, my father was engaged in. Your love to me, and forwardness to further those affairs, you expressed by a Grant of two Subsidies, yet ungathered; although I must assure you, by myself and others, upon credit taken up, and aforehand disbursed; but all far too short, as yet, to set forth the Navy now preparing; as I have lately found by Estimate of those of care and skill employed about it. Before you could be acquainted fully with these necessities of further aid, it pleased God to visit the place of your assembly then with a grievous Plague. To stay you in that danger had been a neglect of my just care, and to prorogue the parliament

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had been to destroy the enterprize: I therefore adjourned you to this place; a place then free from that infection, with which it hath pleased God since also to visit. Here, then, to hold you long against your own desires, were to express little care of your safeties; and to adjourn it, without your further helps, were to destroy the preparations already made: I therefore leave the care of both to your elections, resolutions, and answers; only acquainting you with my own opinion, which is, That it is better far, both for your honours and mine, that, with hazard of half the fleet, it be set forth, than, with the assured loss of so much provision, it be stayed at home. The whole particular of all Expences about this Preparation shall be laid before you, when you shall be pleased to overlook them, and the Lord Treasurer, with other ministers employed, shall acquaint you with them."

Lord Conway and Sir John Cooke declare the State of the King's Affairs.] After his maj. had ended this speech, he commanded his secretaries, the lord Conway and sir John Cooke, more particularly to declare the present State of his Affairs; which they did to this effect: "That our sovereign lord king James, of famous memory, at the suit of both houses of parliament, and by the powerful operation of his maj. that now is, gave consent to break off the two Treaties with Spain, touching the Match and the Palatinate: That it was then foreseen a war would ensue, there being no other means to recover the Palatinate, nor to vindicate the many wrongs and scorns done unto his majesty and his royal children: besides, if the king of Spain was suffered to proceed in his conquests, under pretence of the Catholic Cause, he would become the Catholic Monarch, which he so much affects, and aspires unto. Also amidst these necessities, our late king considered that he might run a hazard with his people, who being so long inured to peace, were unapt to war; that the uniting with other provinces in this undertaking, was a matter of exceeding difficulty. This drew him to new treaties for regaining his children's right, which were expulsed by the friends and agents of Spain; and wherein his majesty proceeded as far as the wisest prince could go, and suffered himself to be won unto that, which otherwise was impossible for his royal nature to endure. He considered also the many difficulties abroad; the duke of Bavaria, by force and contract, had the Palatinate in his own possession; most of the electors and princes of Germany were joined with him; the estates of other princes, most likely to join in a War of Recovery, were seized and secured, and all by a conquering army: besides, the emperor had called a diet, in which he would take away all possibility of recovering the honour and inheritance of the Palatinate: thus it stood in Germany. And, in France, the king there chose to sheath his sword in the bowels of his own subjects, rather than to declare against the Catholic Cause. In the Low Countries, the sect of the Arminians prevailed much, who inclined to the Papists rather than to their own safety, notwithstanding that the enemy had a great and powerful army near them; so that his majesty was enforced to protect and countenance them with an army of 6000 men from hence, with a caution of repayment of the Charges, and the like Supply further, if required. Moreover, he sought alliance with France, by a Match for his royal majesty that now is, thereby to have interest in that king, and to make him a party. The last consideration was his majesty's own honour, who had laboured with the two kings of Denmark and Sweden, and the German princes, from whom he received but cold answers, they refusing to join, unless they first saw his majesty in the field: but of this he was very tender, unless the league was broken, or he first warred upon. The forces of an army were considered, and the way of proceeding, whether by invasion or diversion: the Charges thereof appeared in parliament to be 700,000l. a year; besides Ireland was to be fortified, the Forts here repaired, and a Navy prepared, he thought it feasible to enter into a league with the French king, and the duke of Savoy and Venice. Hereupon an army was committed to count Mansfield, the charge whereof came to 20,000l.* a month for his majesty's part; also he commanded the preparing of this great fleet: all which so heartened the princes of Germany, that they sent ambassadors to the kings of Denmark and Sweden, and those two kings offered a greater army, both of horse and foot, to which his maj. was to pay a proportion. Count Mansfield's army, though disastrous, produced these happy effects: 1. It prevented the Diet intended by the emperor: 2. The German princes gained new courage to defend themselves and oppose their enemies: 3. The king of Denmark hath raised an army, with which he is marched in person as far as Minden: 4. The confederates of France and Italy have prosecuted a war in Milan, and Peace is now made by the French king with his own subjects; so that by this army, breath is given to our Affairs.—This parliament is not called in meer formality upon his now majesty's first coming to the crown; but upon these real occasions, to consult with the lords and commons: two Subsidies are already given, and graciously accepted; but the monies thereof, and much more, are already disbursed. A Fleet is now at sea, and hastening to their rendezvous, the Army is ready at Plymouth, expecting their commanders. His majesty's honour, religion, and the kingdom's safety, is here engaged; besides, he is certainly advised of designs to infest his dominions in Ireland, and upon our own coasts, and of the enemy's increase of shipping in all parts. These things have called the parliament hither, and the present Charge of all amounts to above 400,000l. the further prosecution whereof, the king be-

* In Rushworth 70,000l.

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ing unable to bear, hath left it to their consultations. His maj. is verily persuaded, that there is no king that loves his subjects, religion, and the laws of the land, better than himself; and likewise, that there is no people that better love their king; which he will cherish to the uttermost. It was thought that this place had been safe for this assembly; yet, since the sickness hath brought some fear thereof, his maj. willeth the lords and commons to put into the ballance, with the fear of the sickness, his and their great and weighty occasions.

The Commons resume the Complaint against Dr. Montagu.] On the first day of the session, the affair of Dr. Montagu's books was renewed in the commons by sir Edw. Coke and others. The serjeant at arms told the house, that he had the doctor's bond of 2000l. for his appearance; but that he had lately got a letter from him, that he was sick of the stone: On which the serjeant was ordered to produce both the bond and the letter. The Solicitor General begg'd leave to put the house in mind of his majesty's message to them before the last recess; and moved to acquaint the king with the particulars and consequences of the Book, and doubted not but they would have leave to send for him. Hereupon a debate arose, Whether any of the king's servants might be questioned in that house? Mr. Alford urged the danger of such an exemption; and others named some instances where they had; as, particularly, the case of sir Tho. Parry, who was a privy councellor, whom the king desired might be left to him; but the house would not consent, but expelled him. Mr. Wentworth (afterwards Earl of Strafford) mentioned the lord chancellor Bacon's and the lord treasurer Middlesex's cases, whom this house dealt with; he said Montagu reproached Bible-bearers, which was the Arms of that University; and moved to proceed against him for a contempt of that house. This was agreed to, and to pray a conference with the lords about it; not to meddle with his tenets, but to leave them to the bishops. The serjeant was commanded, at his peril, to bring dr. Montagu to the house, with all convenient speed, and he to stand committed till he shall be discharged by the house.

Debate on a Motion for the Supply.] Aug. 5. The *Chancellor of the Exchequer* moved for the supply; which, he said, must be two Subsidies, and two Fifteenths, for that less would not serve for the present occasions.

Sir *S. Weston* urged to know the cause for this Supply, and the enemy against whom the preparations were destinated: and that the estates of the papists, who contributed to their enemies, may be speedily looked into to supply the king.

Sir *Edw. Coke* said: 'Necessitas affectata, invincibilis, & improvida.' The two last, he said, break all laws and orders, and must be supplied: but, if their necessities came by improvidence, then there existed no such cause to give. 'Neutralitas nec amicos parit nec inimicos tollit. Commune periculum, commune auxilium.' No king can subsist in an honourable estate without three abilities: 1. To be able to maintain himself against sudden Invasions. 2. To aid his Allies and Confederates. 3. To reward his well-deserving servants. But, he urged, there was a leak in the government, of which leak such as these were the causes; Frauds in the Customs; Treaty about the Spanish Match; new invented offices, with large fees; old unprofitable offices, which the king might justly take away with law, love of his people, and his own honour; the presidentships of York and Wales; multiplicity of offices in one man; every officer to live on his own office; the king's Household out of order; new tables kept there made the leakage the greater; upstart officers; voluntary annuities or pensions, which ought to be stopped till the king was out of debt, and able to pay them. In the 4th Hen. IV. no man was to beg of the king till he was out of debt. Lastly, that all unnecessary charges, costly diet, apparel, buildings, &c. increase still the leakage.—To apply some means for remedy; the multiplicity of forests and parks, now a great charge to the king, might be drawn into a great benefit to him. The king's Ordinary Charge in Edw. III.'s time, was borne by the king's ordinary revenue. Ireland, at that time, was also 30,000l. a year benefit to the king; but now a great charge to him. To petition the king rather for a logique than a rhetorique hand; a strait, than an open one. He concluded by moving for a committee to put down these, and such other heads as shall be offered."

The *Solicitor General* moved to petition the king to declare the king of Spain an enemy, since it was he that had done them all the wrong: to take care of Papists at home, whose hearts were with the Spaniards, and are dangerous here whilst our navy was abroad. Two Subsidies and two Fifteens, to be paid in Oct. and April come twelve months. Others declared against granting Subsidies in reversion; and not to graft Subsidy upon Subsidy in one parliament. A committee for this matter was moved for, the Duke to be called to it, "That he may give satisfaction for these aspersions that had been laid upon him." But no resolution was come to on this day.

Aug. 6. Sir *H. Mildmay* said, "That they were called thither for two reasons; for the cause of Religion, and granting a Supply to his majesty. That their coldness in Religion was one of the principal causes of the grievous visitation then upon them. To add to our former Petition to his majesty, that he will upon no account give any connivance to the Papists. That they were not absolutely bound to maintain a war, but to assist and supply the King in a war. Moved, first, to know what money will serve for the Fleet; then to raise the Supply, if not by subsidy, yet by some other course, of which there are precedents; and which, being done in parliament, is a parliamentary course.

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Mr. *Coryton* moved for a committee, to consider of what was fit to be done, both for Supply of the king, and relief of the kingdom.

Sir *J. Cooke* moved that the Commission for the Navy might be examined.

Mr. *Strode* moved, for a grand committee presently, to consider of the King's Supply, and that all who spoke in the committee might apply themselves to this, How two Subsidies and Fifteens, payable more than one year hence, can supply a navy, to go out in fourteen days.

Sir *Nath. Rich* said, that they ought not to refuse to give at all; but, first, to represent their wants to the king, first, for Religion, to have his majesty's answer in full parliament, and then enrolled; which then would be of force with an act of parliament. Next, to know the enemy against whom War was to to be made. The Necessity of an advised Counsel for governing of the great affairs of the kingdom. The Necessity of looking into the King's Revenue. To have his majesty's Answer concerning Impositions on Wines. And though the time was not now fit for the decision of all these points, yet a select committee to be appointed to set down the heads of them, and then to have the King's Answer to them in parliament; the doing of which, he said, was no capitulation with his majesty, but an ordinary parliamentary course, as 22 Edw. 3. and that without which the commonwealth could neither supply the king, nor subsist.

Mr. Rushworth tells us,* that the anti-courtiers were freer than all this with the ministry. At this debate, he says, they urged, "That great sums of money were given for places, to the value of 140,000*l.* at least. That the king ought to contribute to help the Palatinate's cause with his own estate. That the time of the year was too far spent for the fleet to go out for service. That enquiry ought to be made, Whether the duke brake not the Match with Spain, out of spleen and malice to the Conde Olivares? Whether he made not the Match with France upon harder terms? And whether the ships, employed against Rochel, were not maintained with the Subsidies given for the relief of the Palatinate?" Of all which there is no mention in the Journals. Though, indeed, there is sufficient reason to believe they might have been said in the course of this debate, by what follows: For Mr. Edward Clarke, a member, used an expression in a speech, "That there had been speeches there, with invective bitterness, and very unseasonable for the time." On which there was a general acclamation, "*To the Bar;*" and, being ordered to explain himself there, he gave still greater offence. He was then further ordered to withdraw, whilst this matter was debated in the house. Some argued for expulsion; others said, though the offence was great, yet the punishment ought to be more moderate. At length, it was agreed, "That he should kneel at the Bar, and the Speaker to let him know the house had taken just offence at his words; and therefore that he should stand committed to the serjeant during the pleasure of the house." But, the next day, upon submission made, he was released.—In the course of this Debate,

Sir *Robert Cotton*, the learned Antiquary, spoke as follows:* "Mr. Speaker; Although the constant wisdom of this house of commons did well and worthily appear, in censuring that ill-advised member the last day, for trenching so far into their ancient liberties; and might encourage each worthy servant of the public here, to offer up freely his counsel and opinion: yet, since these walls cannot conceal from the ears of captious, guilty and revengeful men without, the counsel and debates within; I will endeavour, as my clear mind is free from any personal distaste of any one, so to express the honest thoughts of my heart, and discharge the best care of my trust, as no person shall justly tax my innocent and public mind; except his conscience shall make him guilty of such crimes as worthily have, in parliament, impeached others in elder times. I will therefore, with as much brevity as I can, set down how these disorders have, by degrees, sprung up in our own memories; how the wisdom of the best and wisest ages did of old redress the like; and, lastly, what modest and dutiful course I would wish to be followed by ourselves, in this so happy spring of our hopeful master. For, mr. Speaker, we are not to judge, but to present: the redress is above 'ad querimoniam vulgi.'—Now, mr. Speaker, so long as those attended about our late sovereign master, now with God, as had served the late queen of happy memory, debts of the crown were not so great; commissions and grants not so often complained of in parliament; trade flourished; pensions not so many, though more than in the late queen's time, for they exceeded not 18,000l. now near 120,000l. all things of moment were carried by public debate at the council-table; no honours set to sale; nor places of judicature; laws against priests and recusants were executed; resort of Papists to ambassadors houses barred and punished; his maj. by daily direction to all his ministers, and, by his own pen, declaring his dislike of that profession; no wasteful expences in fruitless ambassages, nor any transcendent power in any one minister. For matters of state, the Council-Table held up the fit and ancient dignity. So long as my lord of Somerset stood in state of grace, and had, by his maj.'s favour, the trust of the signet seal, he oft would glory justly, that there passed neither to himself, or his friends, any long grants of his highness's lands or pensions: for of that which himself had, he paid 20,000l. towards the marriage-portion of the king's daughter. His care was to pass no monopoly or illegal grant; and that some

* See Collections, Vol. I. p. 180.

* Taken from his Posthumous Works, published by mr. Howell, anno 1651.

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members of this house can witness by his charge unto them. No giving way to the Sale of honours, as a breach upon the nobility, (for such were his own words) refusing sir John Roper's office,' then tendered to procure him to be made a baron. The Match with Spain then offered, (and with condition to require no further toleration in religion than ambassadors here are allowed) he, discovering the double dealing and the dangers, dissuaded his maj. from; and left him so far in distrust of the faith of that king, and his great instrument Gondomar, then here residing, that his maj. did term him long time after a 'Juggling Jack.' Thus stood the effect of his power with his maj. when the clouds of his misfortune fell upon him. What the future advices led in, we may well remember. The marriage with Spain was again renewed: Gondomar declared an honest man: Popery heartened, by employing suspected persons for conditions of conveniency. The forces of his majesty in the Palatinate withdrawn, upon Spanish faith improved here and believed, by which his highness's children have lost their patrimony; and more money been spent in fruitless ambassages, than would have maintained an army fit to have recovered that country. Our old and fast allies disheartened, by that tedious and dangerous treaty: and the king our now master exposed to so great a peril, as no wise and faithful council would ever have advised. Errors in government, more in misfortune by weak counsels, than in princes.—The loss of the county of Poyntois in France, was laid to bishop Wickham's charge in the first of Rd. 2. for persuading the king to forbear sending aid when it was required: a capital crime in parliament. The loss of the duchy of Maine was laid to De la Pole duke of Suffolk, 28 Hen. 6. in singly and unwisely treating of a Marriage in France.—A Spanish Treaty lost the Palatinate. Whose counsel hath pronounced so great power to the Spanish agent (as never before) to effect freedom to so many priests as have been of late; and to become a solicitor almost in every tribunal for the ill-affected subjects of the state, is worth the inquiry?—What Grants of Impositions, before crossed, have lately been complained of in parliament? As that of Ale-Houses, Gold-Thread, Pretermitted Customs, and many more; the least of which would have, 50 Edw. 3. been adjudged in parliament an heinous crime, as well as those of Lyon and Latymer.—The duke of Suffolk in the time of Hen. 6. in procuring such another grant, in derogation of the common law, was adjudged in parliament.—The Gift of Honours, kept as the most sacred treasure of the state, now set to sale. Parliaments have been suitors to the king to bestow those graces; as in the times of Edw. 6. Hen. 5. and Hen. 6. More now led in, by that way only, than all the merits of the best deservers have got these last 500 years. So tender was the care of elder times, that it is an article 28 Hen. 6. in parliament against the duke of Suffolk, that he had procured for himself, and some some few others, such Titles of Honour, and those so irregular, that he was the first that ever was earl, marquis, and duke of the self-same place. Edw. I. restrained the number, in policy, that would have challenged a writ by tenure: and how this proportion may suit with the profit of the state, we cannot tell. Great deserts have now no other recompence than costly rewards from the king; for, we are now at a vile price of that which was once inestimable. If worthy persons have been advanced freely to places of greatest trust, I shall be glad. Spencer was condemned in the 14 Edw. 2. for displacing good servants about the king, and putting in his friends and followers; not leaving, either in the church or commonwealth, a place to any, before a fine was paid unto him for his dependence. The like in part was laid by parliament on De la Pole. It cannot but be a sad hearing unto us all, what my lord treasurer lately told us of his maj.'s great debts, high engagements, and present wants: the noise whereof I wish may ever rest inclosed within these walls. For, what an encouragement it may be to our enemies, and a disheartening to our friends, I cannot tell. The danger of those, if any they have been the cause, is great and fearful. It was no small motive to the parliament, in the time of Hen. 3. to banish the king's half-brethren for procuring to themselves so large proportion of crown lands. Gaveston and Spencer for doing the like for themselves, and their followers, in the time of Edw. 2. and the lady Vessy for procuring the like for her brother Beaumont, was banished the court. Michael de la Pole was condemned 10 Rich. 2. in parl. amongst other crimes, for procuring lands and pensions from the king, and having employed the subsidies to other ends than the grant intended. His grand-child, William duke of Suffolk, for the like was censured 28 Hen. 6. The great bishop of Winchester, 50 Edw. 3. was put upon the king's mercy by parliament, for wasting in time of peace, the revenues of the crown, and gifts of the people; to the yearly oppression of the commonwealth. Offences of this nature were urged, to the ruining of the last duke of Somerset in the time of Edw. 6. More fearful examples may be found, too frequent in records. Such improvidence and ill counsel led Hen. 3. into so great a strait, as after he had pawned some part of his foreign territories, broke up his house, and sought his diet at abbies and religious houses, engaged not only his own jewels, but those of the shrine of st. Edward at Westminster; he was in the end not content, but constrained to lay to pawn (as some of his successors after did) magnam coronam Angliæ, the crown of England. To draw you out to life the image of former kings extremities, I will tell you what I found since this assembly at Oxford, written by a reverend man, twice vice-chancellor of this place; his name was Gascoign; a man that saw the tragedy of De la Pola: he tells you that the reve-

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nues of the crown were so rent away by ill counsel, that the king was inforced to live 'de tallagiis populi:' that the king was grown in debt 'quinque centena millia librarum:' that his great favourite, in treating of a foreign marriage, had lost his master a foreign duchy; that to work his ends, he had caused the king to adjourn the parliament 'in villis & remotis partibus regni,' where few people, 'propter defectum hospitii & victualium' could attend; and by shifting that assembly from place to place, to inforce (I will use the author's own word) 'illos paucos, qui remanebant de communitate regni, concedere regi quamvis pessima.' When the parliament endeavoured by an act of resumption, the just and frequent way to repair the languishing state of the crown (for all from Hen. 3. but one, till the 6 Hen. 8. have used it) this great man told the king it was 'ad dedecus regis,' and forced him from it: to which the Commons answered, although 'vexati laboribus & expensis, nunquam concederent taxam regi,' until by authority of parliament, 'resumeret actualiter omnia pertinentia coronæ Angliæ:' and that it was 'magis ad dedecus regis,' to leave so many poor men in intolerable want, to whom the king stood then indebted. Yet nought could all good counsel work, until by parliament that bad great man was banished; which was no sooner done, but an act of resumption followed the inrollment of the act of his exilement. That was a speeding article against the bishop of Winchester and his brother, in the time of Edw. 3. that they had ingrossed the person of the king from his other lords. It was not forgotten against Gaveston and the Spencers, in the time of Edward 2. The unhappy ministers of Rd. 2. Hen. 6. and Edw. 6. felt the weight, to their ruin, of the like errors. I hope we shall not complain in parliament again of such.—I am glad we have neither just cause, or undutiful dispositions, to appoint the king a counsel to redress those errors in parliament, as those 42 Hen. 3. We do not desire, as 5 Hen. 4. or 29 Hen. 6. the removing from about the king any evil counsellors. We do not request a choice by name, as 14 Edw. 2. 3. 5. 11. Rd. 2. 8 Hen. 4. or 31 Hen. 6. nor to swear them in parliament, as 35 Edw. 1. 9 Edw. 2. or 5 Rd. 2. or to line them out their directions of rule, as 43 Hen. 3. and 8 Hen. 6. or desire that which Hen. 3. did promise in his 42d year, 'se acta omnia per assensum magnatum de concilio suo electorum, & sine eorum assensu nihil.' We only in loyal duty offer up our humble desires, that since his majesty hath, with advised judgment, elected so wise, religious, and worthy servants, to attend him in that high employment; he will be pleased to advise, with them together, a way of remedy for those disasters in state, brought on by long security and happy peace; and not be led with young and single counsel."

A grand Conference relating to Religion.] We now return to the Lords' Journals, for an affair of no small moment, since the consequence of it determined the fate of this parliament. It is very imperfectly inserted in the Journals of the Commons, and more so in Rushworth.

Aug. 8. This day the Lords sent a Message to the Commons, "That they had received one from the king, which was to be delivered to the lords and commons together, by the lord keeper and the duke of Buckingham, and that his maj. had commanded the lord keeper to require the lord treasurer, the lord Conway, and sir John Cook, to assist his grace therein. Upon which account, the lords required a present meeting with their whole house, in the great hall of Christ Church, if it suited their conveniency."

The Answer returned was, "That the Commons would meet, at the time and place appointed, with their Speaker and the whole house. And, as intimation was given, that there might be occasion for a worthy member of their house, in delivering the message from his maj.; though it was against the very fundamental privileges of the house of commons, yet they gave way to it, with this proviso; That he speak, as the king's servant and commissioner, and not as a member of their house."—At the same time, the Commons ordered, within themselves, That, as the Speaker and the whole house went up, if the Lords kept bare, to do the same; if they covered, then the Speaker and the rest to cover also.

Aug. 9. The Report of this grand Conference between the two houses was made in the house of lords, by dr. Abbot, abp. of Canterbury: and first, on what had been offered by the Commons concerning Religion. "That they presented a Petition, directed to his maj. desiring this house to join with them therein; the effect whereof was, That whereas the lords and commons did, at their last meeting, present a Petition to his maj. for advancement of God's true Religion and suppressing the contrary; unto which his maj. vouchsafed, as well by his own mouth, as by the lord keeper's, on the 11th of July last, to return such an Answer as gave them assurance of his royal performance thereof; yet, at this meeting, they find that, on the 12th of July last, his maj. granted a pardon unto Alexander Baker, a Jesuit, and ten other Papists; which, as they are informed, was upon the importunity of some foreign ambassador; and that it passed by immediate warrant, and was recommended by the principal secretary of state, without paying the ordinary fees. Also, That divers Copes, Altars, Chalices, &c. being found in the house of one Mary Estmond, in Dorsetshire, by two justices of the peace; they thereupon tendered her the oath of allegiance; which she refusing, they committed her to the constable, from whom she made her escape and complained to the king. That the said secretary of state did write unto these justices in her favour; all which they humbly desired his maj. to take into consideration, and to give a due, effectual, and speedy redress therein."

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The said Petition, Pardon, and Letter were read; and then the abp. proceeded with the Report, "That the Commons insisted much upon three points: 1st. The date of the Pardon, being the next day after the king's Answer delivered to both houses, by the king's command: 2ndly. That the Pardon dispenseth with these laws, viz. with the statutes of the 23d and 27th Eliz. and the 3d Jac. provided to keep his maj.'s subjects in due obedience; and with the statute the 10th Edw. 3. which directeth, That every felon, upon pardon obtained, should be bound to good behaviour: 3rdly. That it was solicited by the principal secretary, the lord Conway; and to this they added these circumstances: That this Jesuit, being formerly imprisoned and now set at liberty, his conversation might be dangerous in perverting many of the king's subjects. That, heretofore, in the time of queen Eliz. if any were convicted and pardoned, (for she pardoned none before conviction that their faults might be first known) they were also banished, not to return upon pain of death, which is prevented by this pardon. They concluded, That both this Pardon and Letter were procured by the importunity of some foreign ambassadors; which was of dangerous consequence, to give the subjects here any dependency upon them." —The archbishop having ended,

The Lord *Conway* stood up and affirmed, "That though the Pardon was dated the next day after the king's promise to the parliament, yet it was no breach thereof; for it was granted long before: And his ldp. shewed, That, at Christmas last, his late maj. promised to the marquis de Villa Clara, (the French ambassador) certain graces and privileges to the Papists; that the marquis D'Effiat did afterwards obtain the like, to the end that the queen might come the more easy hither; and the duke de Chevereux (his maj.'s kinsman) who brought the queen over, had importuned him that he might also carry home the like graces. That the Pardon passed by immediate warrant, to take off the continual importunity of the ambassadors to the king; and he, being secretary of state, solicited it himself; but it was at his maj.'s command, to take off all imputation from himself; and not out of any affection of his to that religion which he ever hated. As touching the Non-payment of the Fees, his ldp. said, That mr. Benbowe demanded 50l. for them; and the ambassador complaining thereof to the king, he commanded him to see that no fees should be taken. That the duke de Chevereux importuned the king to write that letter, himself, in favour of mrs. Estmond; and he, as secretary, was forced and commanded to do it, rather than that his maj. should. The said duke complained much of the justices hard carriage unto her, but he never heard any thing of her obstinate behaviour to them; nor of any copes, nor altars, found in her house; wherefore he wrote also to be advertised of her offence by them, but was not answered till within these few days. His ldp. protested his sincerity to the true religion here established; whereof he had formerly given good testimony, and in which he would persevere. And what he did, in these matters, was only to take away all scandal from the king, though it lighted upon himself; and that he did nothing but what he was first expressly commanded to do by the king."

The *Lord Keeper* affirmed, "That he received the said Pardon, long before the date thereof; and if he had made a *recepi* upon the warrant, as is usual in other cases, it had born date with that though sealed afterwards. But that his ldp. deferred the sealing thereof, in hopes that the ambassadors would have been gone first, as they were often for going. But, they staying and daily urging the king for the Pardon, he, being again commanded, sealed it at the next general seal; and so it had date with the time of the seal and not of the grant. His ldp. well hoping, upon the departure of the ambassadors, to have stopped it with his maj. otherwise it had been sealed before the king's promise to the parliament; and therefore this can be no breach of the king's promise." His lordship also said, "That the ambassador urged his majesty very much to give a general dispensation to the Papists; but the king was advised rather to pardon some few of them what was past. Which counsel, though to be commended, yet none gave way to it, but much against their wills; and his ldp. wished that a Petition might be presented to the king, to stay the like Pardons hereafter."

Next follows in the Journals, a Copy of a Petition to the king, from the lords and commons, repeating the aforesaid evidences; and that as the Letter and Pardon were drawn from him by the importunity of foreign ambassadors; a course of late too frequently practised by his ill-affected subjects, it was of dangerous consequence, inducing to a dependency upon foreign princes, &c. But as the whole of this would be a repetition of what is gone before, and besides, as it was never presented, it may well be omitted.

The *Lord Keeper*, on the same day, next proceeded to give the rest of the Report on what passed in the Conference, along with the king's Message and the consequence of it. His ldp. began with telling the house, "That his maj. had graciously, fully, and parliamentarily, answered the Petition concerning Religion, delivered him by both houses, at Hampton-Court, the 7th of July last; and had commanded his ldp. to signify to the Lords and Commons, that he had also given command to the lord admiral to deliver his said Answers thereunto, to both houses; to be by them disposed, as the Answers of kings unto Petitions, of that kind, exhibited, are wont to be. And withal to deliver a Message from his maj. concerning the great affairs of his, now in agitation in the house of commons."—That then the lord admiral said, "His maj. had laid upon him such a charge, as, when he did consider

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his own weakness, it might utterly discourage him; were it not that reflecting again upon that plainness and sincerity, wherewith a king should deal with his people, he found himself the fitter for the employment; in that he was sure he should deliver it without rhetorick or art. As concerning the Petition, he could dispatch that in two words; that is, by giving a full assurance that all was granted which was desired; but held it fitter, for more satisfaction, to read the Petition with the Answers annexed; and they were read accordingly, by mr. Attorney, in hæc verba:

"The Petition of both Houses for Execution of the Laws against Popery, and for advancing true Religion.

"To the King's Most Excellent Majesty.

"Most gracious Sovereign; It being infallibly true, that nothing can more establish your throne, and assure the peace and prosperity of your people, than the unity and sincerity of Religion: We your most humble and loyal subjects, the lords spiritual and temporal, and commons of this present parliament assembled, observing that of late there is an apparent mischievous increase of Papists in your dominions, hold ourselves bound in conscience and duty to represent the same to your sacred maj. together with the dangerous consequences of the increase of Popery in this land, and what we conceive to be the principal Causes thereof, and what may be the Remedies.

"The Dangers appear in these Particulars. 1. Their desperate ends, being the subversion both of Church and State; and the restlessness of their spirits to attain these ends, the doctrine of their teachers and leaders, persuading them, that therein they do God good service. 2. Their evident and strict dependency upon such foreign princes, as no way affect the good of your maj. and this state. 3. The opening a way of popularity to the ambition of any, who shall adventure to make himself head of so great a party.

"The principal Cause of the Increase of Papists. 1. The want of the due execution of the laws against Jesuits, Seminary Priests, and Popish Recusants; occasioned partly by the connivency of the state, partly by defects in the laws themselves, and partly by the manifold abuses of officers. 2. The interposing of foreign princes by their ambassadors and agents in favour of them. 3. Their great concourse to the city, and frequent conferences and conventicles there. 4. The open and usual resort to the houses and chapels of foreign ambassadors. 5. The education of their children in seminaries and houses of their religion in foreign parts, which of late have been greatly multiplied and enlarged for the entertaining of the English. 6. That in some places of your realm, your people be not sufficiently instructed in the knowledge of true Religion. 7. The licentious printing and dispersing of Popish and seditious books. 8. The employment of men ill-affected in religion in places of government, who do, shall, or may countenance the Popish party.

"The remedies against this outrageous and dangerous disease, we conceive to be these ensuing: I. That the youth of this realm be carefully educated by able and religious schoolmasters, and they to be enjoined to catechize and instruct their scholars in the grounds and principles of true religion. And whereas, by many complaints from divers parts of the kingdom, it doth plainly appear, That sundry Popish scholars, dissembling their religion, have craftily crept in, and obtained the places of teaching in divers counties, and thereby infected and perverted their scholars, and so fitted them to be transported to the Popish seminaries beyond the seas; that therefore there be great care in the choice and admission of schoolmasters, and that the ordinaries make diligent enquiries of their demeanors, and proceed to the removing of such as shall be faulty, or justly suspected."—*His Majesty's Answer.* "This is well allowed of, and for the better performance of what is desired, letters shall be written to the two archbishops, and, from them, letters to go to all the ordinaries of their several provinces to see this done; the several ordinaries to give account of their doings herein to the archbishops respectively, and they to give account to his maj. of their proceedings herein."—II. "That the ancient Discipline of the Universities be restored, being the famous nurseries of literature and virtue." *Answ.* This is approved by his maj. and the chancellor of each university shall be required to cause due execution of it. —III. "That special care be taken to enlarge the Word of God throughout all the parts of your maj.'s dominions, as being the most powerful means for planting of true Religion, and rooting out of the contrary: to which end, among other things, may it please your maj. to advise your bishops, by fatherly intreatment and tender usage, to reduce to the peaceable and orderly service of the church, such able ministers as have been formerly silenced, that there may be a profitable use of their ministry in these needful and dangerous times: and that Nonresidency, Pluralities, and Commendams, may be moderated. Where we cannot forbear most humbly to thank your maj. for diminishing the number of your own chaplains; not doubting of the like princely care for the well-bestowing of the rest of your benefices, both to the comfort of the people, and the encouragement of the Universities; being full of grave and able ministers unfurnished with livings." *Answ.* This his maj. likes well, so it be applied to such ministers as are peaceable, orderly, and conformable to the church government. For Pluralities and Nonresidencies, they are now so moderated, that the archbishops affirm, there be now no dispensations for Pluralities granted; nor no man is allowed above two benefices, and those not above 30 miles distant: and for avoiding Nonresidence, the canon, in that case provided, shall be duly

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put in execution. For Commendams, they shall be sparingly granted, only in such case where the exility and smallness of the bishoprick requireth. Also, his maj. will cause that the Benefices belonging to him shall be well bestowed. And, for the better propagating of religion, his maj. recommendeth to the houses of parliament, that care may be taken, and provision made, that every parish shall allow a competent maintenance for an able minister; and that the owners of parsonages impropriate would allow to the vicars, curates, and ministers, in villages and places belonging to their parsonage, sufficient stipend and allowance for preaching ministers.—IV. "That there may be strict provision against transporting of English Children to the Seminaries beyond the Seas, and for the recalling of them who are already there placed; and for the punishment of such your subjects, as are maintainers of those seminaries or of the scholars; considering that, besides the seducing of your people, great sums of money are yearly expended upon them, to the impoverishing of this kingdom." *Answ.* The law in this case shall be put in execution. And further, there shall be letters written to the lord treasurer, and also to the lord admiral, That all the ports of this realm, and the creeks and members thereof, be strictly kept, and strait searches made to this end; and a proclamation shall be to recall both the children of noblemen and the children of any other men; and they to return by a day: also maintainers of seminaries of scholars there, shall be punished according to law.—V. "That no Popish Recusant be permitted to come within the court, unless your maj. be pleased to call him upon special occasion, agreeable to the statute of 3 Jac. c. 5. And whereas your maj. for the preventing of apparent mischiefs; both to your majesty and the state, hath, in your princely wisdom, taken order, that none of your natural-born subjects, not professing the true Religion by law established, be admitted into the service of your royal consort the queen, we give your maj. most humble thanks, and desire that your order herein may be observed." *Answ.* If his maj. shall find, or be informed of any concourse of Recusants to the court, the law shall be strictly followed. And his maj. is pleased, that, by Proclamation, the British and Irish subjects shall be put in the same case. And as his maj. hath provided in his Treaty with France, so his purpose is to keep it, That none of his subjects shall be admitted into his service, or into the service of his royal consort the queen, that are Popish Recusants.—VI. "That all the laws now standing in force against Jesuits, Seminary Priests, and others having taken orders by authority derived from the see of Rome, be put in due execution. And to the intent they may not pretend to be surprized, that a speedy and certain day be prefixed by your maj.'s proclamation for their departure out of this realm, and all other your dominions, and not to return upon the severest penalties of the law now in force against them: and that all your maj.'s subjects may be thereby admonished not to receive, comfort, entertain, or conceal any of them, upon the penalties which may be lawfully inflicted: and that all such Papists, Jesuits, and Recusants, who are and shall be imprisoned for Recusancy, or any other cause, may be so strictly restrained, as that none should have conference with them, thereby to avoid the contagion of their corrupt religion: and that no man, that shall be suspected of Popery, be suffered to be a keeper of any of his maj.'s prisons." *Answ.* The law in this case shall be put in execution, and a Proclamation shall be to the effect desired; and such restraint shall be made, as is desired; and no man, that is justly suspected of Popery, shall be suffered to be a keeper of any of his maj.'s prisons.—VII. "That your maj. be pleased to take such order, as to your princely wisdom shall be expedient, That no natural-born subject, or strange bishops, nor any other by authority from the see of Rome, confer any ecclesiastical orders, or exercise any ecclesiastical function whatsoever, toward or upon your maj.'s natural-born subjects within your dominions." *Answ.* This is fit to be ordered according as is provided; and it shall be so published by proclamation.—VIII. "That your maj.'s learned counsel may receive order and commandment to consider of all former Grants of Recusants' lands, that such of them may be avoided as are made to the Recusants' use or interest, or out of which the Recusant receiveth any benefit, which are either void, or voidable by the law." *Answ.* The king will give order to his learned counsel to consider of the Grants; and will do according as is desired."—IX. "That your maj. will be likewise pleased strictly to command all your judges and ministers of justice, ecclesiastical and temporal, to see the laws of this realm against Popish Recusants, to be duly executed: and namely, that the censure of Excommunication be declared and certified against them; and that they be not absolved but upon public satisfaction, by yielding to conformity." *Answ.* His maj. leaves the laws to their course, and will order in the point of Excommunication as is desired.—X. "That your majesty will be pleased to remove from places of authority and government, all such persons as are either Popish Recusants, or, according to direction of former acts of state, to be justly suspected." *Answ.* This his maj. thinks fit, and will give order for it.—XI. "That present order be taken for disarming all Popish Recusants, legally convicted, or justly suspected, according to the laws in that behalf, and the orders taken by his late maj.'s privy council upon reasons of state." *Answ.* The laws and acts in this case shall be followed, and put in due execution.—XII. "That your maj. be also pleased, in respect of the great resort of Recusants to and about London, to command forthwith, upon pain of your indignation, and severe execution of the laws, that they retire themselves

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to their several countries, there to remain confined within five miles of their places." *Answ.* For this the laws in force shall be forthwith executed.—XIII. "And whereas your maj. hath strictly commanded and taken order, that none of your natural-born subjects repair to the hearing of Masses, or other superstitious service at the chapels or houses of foreign ambassadors, or in any other places whatsoever; we give your maj. most humble thanks, and desire that your order and commandment therein may be continued and observed, and that the offenders herein may be punished according to the laws." *Answ.* The king gives assent thereto, and will see that observed which herein hath been commanded by him.—XIV. "That all such Insolencies, as any that are popishly affected have lately committed, or shall hereafter commit to the dishonour of our religion, or to the wrong of the true professors thereof, be exemplarily punished." *Answ.* This shall be done as is desired.—XV. "That the statute of 1 Eliz. for the payment of twelvepence every Sunday, by such as shall be absent from divine service in the church, without a lawful excuse, may be put in due execution, the rather, for that the penalty, by law, is given to the Poor, and therefore not to be dispensed withall."—*Answ.* It is fit that this Statute be executed, and the Penalties shall not be dispensed withall.

XVI. "Lastly, That your maj. would be pleased to extend your princely care also over the kingdom of Ireland, that the like courses may be there taken for the restoring and establishing of true Religion".—*Answ.* His maj.'s cares are, and shall be extended over the kingdom of Ireland; and he will do all that a religious king should do for the restoring and establishing of true Religion there.—And thus, most gracious sovereign, according to our duty and zeal to God and Religion, to your maj. and your safety, to the Church and Common-Wealth, and their peace and prosperity, we have made a faithful Declaration of the present estate, the causes and remedies of this increasing disease of Popery, humbly offering the same to your princely care and wisdom. The Answer of your majesty's father, our late sovereign, of famous memory, upon the like petition, did give us great comfort of reformation; but your maj.'s most gracious promises made in that kind, do give us confidence and assurance of the continual performance thereof; in which comfort and confidence reposing ourselves, we most humbly pray for your maj.'s long continuance in all princely felicity."

The Duke of Buckingham, assisted by Sir J. Cooke, gives the King's Reasons for approving of the said Petition, &c.] The Petition and Answers being read, the Lord Admiral said, "That as his maj. took well their putting him in mind of his care for Religion; so he would have done and granted the same things, though they had never petitioned him. Neither did he place this Petition, in this order, as a wheel to draw on other affairs and designs; but leaves them to move in their own spheres, as being of sufficient poise and weight within themselves. What was done in this Petition, came from these two fountains, conscience and duty to his father; who, in his last speech, recommended unto him the person, but not the religion of his Queen."

The Duke's Account of the Preparations for the Fleet, and of the Conduct of the War.] Then his Grace signified, "That, by the king's commands, he was to give to both houses, an Account of the Fleet, and all the Preparations thereof;" which he did in this manner, viz. "That the first and last time he had the honour to speak in this auditory, it was on the same business; and then he was so happy as to be honoured and applauded by both houses: And he made no question but, speaking with the same heart, and on the same business, he should be so now: For, if they looked upon the change of affairs in Christendom, they could not think it less than a miracle. Then the king of Spain was sought and courted by all the world; he was become master of the Valtoline; had broken all Germany in pieces, and was possessed of the Palatinate. The princes of Germany were weak, and not able to resist; and, by reason of his master's neutrality, caused by a treaty, he kept all other king's and princes in awe. Now, on the contray, the Valtoline is at liberty; the war is proclaimed beyond the Alps; the king of Denmark is in arms, with 17,000 foot and 6000 horse, besides commissions to make them up 30,000; the king of Sweden is also interested; the Princes of the Union are revived; the king of France is engaged against Spain, and, for that purpose, having made peace with his own subjects, hath joined and confederated himself with Savoy and Venice. Why should not he, therefore, hope for the same success; considering that, since the time of his last speech to both houses, there was not one action, or a thought of his, that levelled at any other than one and the same object, which was to please their desires? If he should credit all rumours, which he would not do, he should speak with some confusion of fear, to hold the same place he formerly did in their affections: But, having still the same virtuous ambition, and considering his own heart to the king and state, he could find no cause of alteration, but was all courage and confidence."

Here the Duke made a request to the House of Commons, "That if any man had spoken or should speak any thing, in discharge of his conscience, zeal of reformation, or love to his country, which may seem to reflect upon some particular persons, he may be the last that shall apply it to himself: Because he is confidently assured of two things; 1st. That they are so just as not to fall upon him without cause, who was so lately approved by them. And, 2ndly, That himself shall deserve nothing that shall misbecome a faithful Englishman."

The Lord Keeper (sir J. Cooke) next proceeded to give the remaining part of his Report, which was the sequel of the duke's speech. He said,

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his grace chose rather to proceed in it by way of Question and Answer, than in one continued speech, as being the speedier way and means to yield satisfaction. He would take his rise, he said, from the Breach of the Treaties and Alliance, and put some Questions to himself, yet none but such as should be material to the business in hand. Here his grace did move 12, which the Lord Keeper said he would enlarge, for clearness and perspicuity's sake, into 14 Questions:

Quest. 1. By what Counsel the Designs and Actions of War were carried and enterprized?—*Answer.* "By the Counsel of parliament: and this his grace proved by the act of both the houses, March 24, 1623, which was read; and then his grace proceeded and said, Here you see, my lords and gentlemen, that his maj. moved by this council, applied himself accordingly for the defence of the realm, the securing of Ireland, the assisting our neighbours, the States of the United Provinces, and other our friends and allies, and for the setting forth of the Navy Royal. The king looking into his purse, saw enough to do all the former actions, but not the latter: For when he came to consider the Navy, there was neither money nor preparations; yet, looking upon the affairs of Christendom, he found this the most necessary. Hereupon his maj. of famous memory, did his grace that honour as to write to him from Newmarket to London, a Letter to this effect, 'That observing foreign affairs, he found it necessary that a Royal Fleet should be prepared, and put in readiness; but that he had no money: Wherefore his Lordship and his friends must begin to lay out, and no doubt others would follow. And, by this means, the king might the longer lie concealed and undiscovered in the enterprize, as bearing the name of the subjects only; and other princes, in hopes to draw him on, would sooner come to the business.' Upon this Letter, his grace leap'd into the action with all alacrity; and, having received all he had from his maj. was desirous, and held it a happiness, to pour it out upon his service and occasions. But this he did not on his own head, but fortified by the advice and counsels of these worthy persons, the lords Conway, Chichester, Grandison Carey, Brook, and Ley, sir Rob. Mansell, and sir John Cooke—Their first consultation was of a War, the next of the Means; but both the one and the other was justified by more than himself. He never did any thing but by them; nothing was ever resolved on or altered but in their company; for either he repaired to them, or else they did him that honour, (as his grace term'd it) to resort to his chamber. When all was thus digested and prepared, and that they came to proportion time and levies, then, with the king's leave, the business was imparted to all the lords of the council; the Account was made to them, and allowed by them; who said there openly (his maj. being present,) That if this was put in execution, it would do well, and gave some attributes to it.'—Here sir John Cooke justified the shewing and approving of their Accounts, at the council table; that those Accounts consisted of long particulars for soldiers to be levied, mariners to be pressed, forwardness of the ships and provisions, and that nothing was wanted but money; and that he had all these particulars ready to be shewn to the house of commons, if they should require it.—His grace then proceeded and shewed, "That he was so religious to guide these great affairs by counsel, that, at his Journey into France, which fell out about this time, he desired his majesty to recommend the business to a select committee, which his maj. did, to the lord treasurer, the lord chamberlain, the lords Conway and Brook, who in his absence, took care of the same. This his grace thought fit to tell their lordships, that they may see by what counsel this great business was carried; and that, in all the management thereof, he took no steps but by their approbation."

Quest. 2. Why did not his majesty declare the Enemy presently, upon the granting of the two subsidies? *Answ.* "His maj. considered the State of Christendom at that season, and found it full of danger to declare the enemy, for 3 reasons: 1st, because that great enemy would be more prepared. 2ndly, Spain being the enemy, our merchants would be embargoed, who are now drawn home. 3rdly, Our friends, finding us so long unprepared, after our Declarations, had despaired, and never believed any reality of our intendments."

Quest. 3. Whether this vast sum of 300,000*l.* bestowed upon the Navy, together with 40,000*l.* more to be now employed, and 60,000*l.* at the return, be so frugally husbanded as was fit?—*Answ.* "That his grace refers to sir John Cooke's Accounts, which the house of commons may peruse; and when sir John hath done, the particular officers should be ready to justify it with their Accounts."—Here sir John Cooke interposed, that he had already shewed this Account, and said, "That the duke had laid out of his own money 44,000*l.* and the Treasurer of the Navy, at his request, above 50,000*l.*" To this his grace added, "That all this borrowed money was managed, by the proper officers, as if it had issued out of the exchequer; and had not been borrowed elsewhere."

Quest. 4. Whether a considerable Sum of Money be yet required?—*Answ.* "40,000*l.* is yet necessary; but that our master is exhausted; his treasure anticipated, his lands engaged, his plate offered to be pawn'd, but not accepted; and yet his majesty must be maintained."

Quest. 5. Whether this Fleet was ever intended to go out or not?—*Answ.* "There have been some flying rumours to that effect. But what policy were it in the king, with the Charge of 400,000*l.* to amaze the world, cozen his people, and put you to such a hazard? What should he gain by an act that should make him blush when he met his parliament again? Certainly the king would never employ such a sum, but when the Affairs of Christendom made it necessary to do it; and it was done with an

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intention to set it out with all the speed possible."

Quest. 6. Why was not this Want of Money foreseen in the first Project of the whole Service; but now only thought upon unexpectedly, and dangerously, considering the Sickness: Why not before the last adjournment, whereby we are cast upon so unseasonable a time?—*Answ.* "It was foreseen before, but interrupted by unfortunate accidents. 1. The Death of the late king. 2. The Funeral; which, for decency's sake, could follow no sooner. 3. The Journey into France, and the Marriage; which procured more delays than were expected, but necessary." Since the opening of this parliament, his maj. decared his necessity; and told you plainly, That this sitting must be not for counsel, but resolution. And when he received the grant of the two Subsidies, he understood that money to be but a matter of custom, to welcome him to the crown; and intended, when they were presented to him, to dilate more at large, as afterwards he did by sir John Cooke.

Quest. 7. Who gave the Counsel to meet so suddenly, when the Sickness was so dangerously spread?—*Answ.* "His maj. commanded him to say, That it was the business itself that gave the Counsel, with the necessity of it, else the king would not have hazarded the two houses, and the rest of the kingdom, by its spreading. If he had been able any way, without your help, to have set out the Navy, he would have done it, and relied upon you for a Supply afterwards. If it be a fault, (as I see none, said the duke) why should the realm and the occasions of the State of Christendom suffer for it? If it be undertaken for your good and the king's honour now budding) as also for the State of Christendom, why should a particular man's fault make it miscarry? I hope your wisdom will so pierce through it, as to set the affair forward."

Quest. 8. Why should not the King help on this occasion with his own Estate?—*Answ.* "Judge you whether he doth not; for, observing the great gift you gave the session before last, he was unwilling to take any more from you, and laid out all his estate upon the enterprize, and will do so again as soon as he shall be enabled."

Quest. 9. Is not the Time of the Year too far spent for the Navy to go forth?—*Answ.* "The king answered this the last day. 'Better half the Navy should perish, than the going forth thereof should be stopped.' It would shew such want of counsel and experience in the design; such want of courage, weakness and beggarliness, in not being able to go through with it. And, for the Time, there were only three ends proposed by this service, and the time of the year is yet seasonable for any of them. He could demonstrate the same, if the design was to be published; which your wisdom would not think fit to have done." Here the duke said he would satisfy the houses in some other things.

Quest. 10. Whether these 8 ships, lent the French king, to be employed against the Rochellers, were not paid with the Subsidy Money?—*Answ.* "These 8 ships were, 1st, employed at the Charge of the French king. 2nd. It is not always fit for kings to give account of their counsels. Judge the thing by the event."

Quest. 11. Whether, having been employed to break with Spain, the Duke made not a worse match with France, and upon harsher conditions?—*Answ.* "He hoped the contrary would appear by the King's Answer to their Petition; and he assured them his maj. had broken no public faith in giving the said Answers."

Quest. 12. Did not the Duke serve us in breaking the Treaties with Spain, out of particular spleen and malice to count Olivares?—*Answ.* "There was no cause for him to hate Olivares, he was the means to make his grace happy; for out of his hands came those Papers by which his grace gained the love of a nation, which before thought not so well of him. He is not vindictive in his temper; he can forgive those who had no such natural respect to that country as Olivares had. Neither doth his grace love that any man should be an instrument, by ill means, to do a good action, as Olivares intended to serve his master and kingdom by indirect means. And he can further prove that he is not vindictive; for he could forgive one of our own nation who concurred with Olivares. But he thought proper to let that business sleep; which, if it should awake, would prove a lion to devour him who was the Author of it; meaning one of our own nation who co-operated with Olivares (the Earl of Bristol).

Quest. 13. Will it not be objected, That hitherto the Duke speaks of nothing but immense Charges, which the kingdom is not able to bear; as, to the king of Denmark, 30,000*l.* a month; to count Mansfield, 20,000*l.* to the Low Countries, 8000*l.* to Ireland, 2600*l.* a month; besides the backing of the Fleet with a Supply, for which twelve of his majesty's ships are now in preparing?—*Answ.* "Make the king chief of the war, by a diversion of this kind, and he will give a greater advantage to all his allies, than by allowing them 50, nay 100,000*l.* a month. What is it for his allies to snatch with the king of Spain; to win a town to-day, and to lose it to-morrow? It is almost impossible to hope for a conquest of this kind, the Spanish king being so able by land: But let the king our sovereign, be master of the wars elsewhere, and make a diversion; and let the enemy be compelled to spend his money and men in other places; and our allies in these parts will be suddenly and imperceivably strengthened and enabled: and, by this kind of war, you send no Coin out of the land; you send nothing but Beef, Mutton, and Powder; by which the kingdom is not impoverished, but may make good returns."

Quest. 14. Where is the Enemy?—*Answ.* "Make the Fleet ready to go out, and the

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king had given him command to bid you name the Enemy yourselves. Put the sword into his maj.'s hands, and he will employ it to your honour, and the good of true religion. As you issue nothing that is lost, so will you bring home somewhat again; and henceforward maintain the War by the perquisites thereof. Make but once an entrance, it may afterwards be maintained with profit. When the Enemy is declared, you may have letters of marque; none shall be denied. And I have not been so idle, said his grace, but I shall make propositions of venturing, whither you yourselves may go, and may have the honey of the business."—*Lastly*, The Duke told us, "That the king commanded him to admonish the assembly to take care of the season and their own health; for, if they lost time, no money could purchase it again. His grace concluded with this Apology: If, in this Relation, through my weakness, I have injured the King's Affairs and those of the State of Christendom, I crave your pardon: my intentions were good."

The Lord Treasurer's Account of the King's Estate.] We next proceed to give the rest of the Lord Keeper's Report, concerning what the Lord High Treasurer said at the Conference, relating to the King's Estate. "The Treasurer produced a Paper, wherein he had set the same down, according as his memory and the time would permit him on the sudden. And he divided the same into three parts: 1. The Estate the late King left. 2. The Estate the King now stands in. 3. How it will be in the future. And the first of these he again divided into other three parts; the late King's Debts; Anticipations; and Engagements. His Debts were to the city of London, and some gentlemen, borrowed upon the Great Seal and the Lords Bonds, 120,000*l.* besides growing interest. The Wardrobe 40,000*l.* at the least, part whereof is due to poor people. To the king of Denmark, 75,000*l.* and the interest; which was borrowed for the Palatinate. Arrears for Pensions, a large sum, but not cast up. To his Household, a great sum; which his lordship left to the officers thereof to relate to the Commons. The Anticipations made by the late king of his Rents, before they were due, came to 50,000*l.* which was presently bestowed on this occasion, the Fleet. His Engagements were, for the Pay of 6000 foot in the Low Countries; of 10,000 foot under count Mansfield; and for the rigging, victualling, and providing this great Navy, not the like in our memory.—2. Concerning the Estate of the King, as it now stands, his ldp. divided the same into Debts and Disbursements, which he defrays out of his own coffers: that his father's Debts, Anticipations, and Engagements, lie ill upon him. His own Debts, as Prince, come to 70,000*l.* at the least, it is feared 90,000*l.* For payment whereof his maj. hath engaged those lands he then had, and the commissioners bonds. This great occasion brought his maj. when he was Prince, thus into debt; for he then gave 20,000*l.* to the Navy, and 20,000*l.* to count Mansfield, besides other great gifts that way; whereas, before, he owed very little, to his lordships own knowledge. The King's Disbursements defrayed out of his own coffers; to the king of Denmark, 46,000*l.* to the Soldiers at Plymouth and Hull, 16,000*l.* for Mourning and Funeral, 12,000*l.* paid, and 16,000*l.* to pay. Expences of the Queen, Entertainment of Ambassadors in Diet and Gifts, 40,000*l.* advanced to the Queen, 50,000*l.* to the king and queen of Bohemia, 11,000*l.* to the Navy, 300,000*l.* and 100,000*l.* to be disbursed, viz. 40,000*l.* now, and 60,000*l.* at the return.—3. The King's Estate for the future, as in Charges of Continuance, consisted of ten Articles. 1. Of Debts unpaid, and Interest. 2. Old Anticipations of 50,000*l.* 3. Anticipations of new, 200,000*l.* taken up by himself, to the emptying of all his coffers, even of that which should maintain him with bread and drink from this day forward. 4. To the king of Denmark, 30,000*l.* per mensem. 5. To count Mansfield 20,000*l.* 6. To the Dutch 8,500*l.* 7. To Ireland 2600*l.* all per mensem. 8. The queen's allowance and diet, 37,000*l.* per annum, And 9. To the king and queen of Bohemia, 20,000*l.* per annum. 10. Preparations for defence of the Realm, and seconding the Navy.—The Lord Treasurer alledged, That some sums were omitted, because they were uncertain and before his time. That no total was cast up, because he had no auditor here; and promised that himself, or his subordinate officers, would be ready to give satisfaction of all or any of these particulars."—The Lord Keeper having ended this Report, which was the business of a whole day, the Lords expressed their approbation of it, and ordered it to be entered on their Journals.

Aug. 9. A report was made in that house of what had been delivered at the conference, by the recorder of London, the sollicitor general, and Mr. Pym. This report was divided, as before in the Lords, into 3 heads: The king's Answer to their Petition about Religion; the Duke's Account of the Fleet, &c. and the Lord Treasurer's Conclusion. But it is all so imperfectly inserted in the Journals of the Commons, and such great hiati made in the recital, that it is impossible to make any thing of the matter. One particular is mentioned in the Commons Journal, not taken notice of in the Lords; which was, That the Lord Treasurer told them, "That since their house had first taken care of Religion, and had received so gracious an answer to it; therefore they ought now, speedily, to think of a Supply; not of his maj.'s wants, but of those for the defence of the kingdom."

Debate in the Commons thereupon.] The report as above, being delivered,

Mr. *Maynard*, (afterwards the famous serjeant Maynard,) stood up and told the house, "That it was an easy matter to infest the king of Spain; but he did not like the vast charge now demanded, which was not to be supported by the kingdom. That he was not for a war

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by land, but by sea; and there not with letters of marque, but for an open war. Was for recommending to his majesty the way to live gloriously at home, viz. by declaring war. Was against Subsidies in reversion; but would willingly give, if he knew how; for giving, was adding spurs to the sea-horses. Moved for a general committee to go on these matters the next day."

Mr. *Mallet* said, "That it was not proper to stand too much upon precedents. That it was plain the house did not regard them, when they tended to straiten the king's revenue: For, in the act of tonnage and poundage, which was always, since Henry VI's. time, granted for life, it is limited now but to the 25th of March next, contrary to former precedents. He moved for a consideration of the danger, which might grow by not contenting the king in his just desires this parliament."—Others moved for a grand Committee to go upon these matters the next morning at 8 of the clock; which was agreed to.

The King's Message to hasten the Supply.] Aug. 10. Mr. *Chancellor* delivered a Message to the house from the king to this effect: "That his maj. understanding this house intended to enter into consideration of divers heads, concerning the king and commonwealth, had sent by him this Message: That he was well pleased with their good intentions; but desired them to consider that his affairs required a speedy dispatch. That tho' the season was far spent, it was yet seasonable; and, if the plague should begin in the navy, the action would be lost; or, if any here should be touched with the sickness, much inconvenience would ensue by an abrupt breaking up. Therefore he desired a present answer about his Supply: If not, he will take care of their healths more than they themselves, and make as good a shift for his present occasions as he could: But, if they would now comply, he gave them his royal word, that in winter, at what time they should chuse, they should meet again, and hold together till they had perfected all those things for the king and commonwealth, which are now before them. To all which he promised to give such answers, as dutiful and loyal subjects might expect from a gracious and religious king. Lastly, The king desired them to consider, That this was the first request he ever made unto them."

Debate on the King's Message.] The debates on this Message and the Supply were this day very long, above 30 different members speaking in them: The most material of whose arguments, pro and con, we shall collect, and give as follows:

The *Master of the Wards* argued, "That the reputation of both king and kingdom, in point of honour, was at stake. That the preparations now making for war, must have their movement from parliament. 2. The consideration of the disasterous state of the king's royal sister; 3. Religion in great danger abroad, which suffered also at home. 4. Consideration of their confederates; who would fall asunder, if their king did not hold them together. 5. The danger of king, lords, and commons, by the sickness, by a longer continuance."

Sir *Roger North* said, "That he was once against giving any thing at this time; but had now altered his opinion by his maj.'s most gracious answer about Religion; also because it was his first request: besides the consequence of an ill parting this parliament would be a thing very acceptable to the Papists. Moved for two Fifteens to be added to the two Subsidies."

Mr. *Chancellor of the Duchy* said, "That precedents were neither to be despised, nor adored as gods. That in the first parliament of the late king, two Subsidies were granted and four Fifteens; within a month after one Subsidy more was given in the same session. Mors in olla. If all our greatest enemies were here they would refuse to give; to give now, because they could not, at another time, give towards this supply."

Mr. *Chancellor of the Exchequer* wished them to leave now their fears, jealousies, and disgusts at home, and to rely upon the king's promise for their next meeting to reform such things. Those disorders complained of did not happen in this king's time; that he, both in his father's and his own time, had assured them of his desire and resolution to reform those things. Moved the question, Whether we will give at this time, or not.

Sir *Robert Philips* said, "That the point now before them, by the king's last message, might be reduced short to this; either to give presently, or else that, in respect of danger to us, he will adjourn us to some other time. That the arguments for giving were honour, necessity, and safety; honourable actions grounded upon sound counsels. That necessity had been the continual argument for Supply in all parliaments; but the counsels which had put the king, and the present great designs into this hazard, whoever gave them must answer it. Moved that the present necessity might be supplied by some other means, rather than by so dangerous a precedent. That a committee might be appointed to consider of a fit Answer to the king, why they could not now give; and yet to assure him that they would, in due time, supply all his honourable and well-grounded designs."

Sir *Francis Seymour* said, "That the commons of England should be called hither only for a Supply of 40,000*l.* shewed that the king's necessities were great. What was become of all the money raised by the act of resumption of the crown lands? That 140,000*l.* had been also raised by places of honour; places of justice were sold, and serjeants places; which must come to a greater sum."—Others argued for giving, so that it might be in a parliamentary manner. But,

Sir *Thos. Wentworth* said, "That he feared the pressing this precedent for so small a sum

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was to take the advantage of it for greater things hereafter. Was against present giving; but most ready and willing to give in due time."

Sir *Horeage Finch* argued, "That the granting of Subsidies in reversion, as the clergy had done, was to bind and give for our executors, as they had for their successors. He disliked their drawing hither; and wished they might never hereafter be put upon such rocks: Yet was for giving then, in respect of the king's answer to their petition about Religion; the rather, because he had said it was not done to draw us on: But to do this with great caution, and with a protestation never to do the like, upon any necessity hereafter."

Mr. *Rolle* said, "That the king could not but have credit, without their grant, for 40,000*l.* That if the necessity for money was now so great, this was the time to press for redress of grievances. That Turkish pirates take our ships and men, and endanger our coasts; which were forced to arm to defend themselves." The last speaker, on this side, we shall mention was, old

Sir *Edward Coke;* who said, "That two leaks would drown any ship. That solum & malum concilium was a bottomless sieve. An officer should not be, cupidus alienæ rei, parcus suæ; avarus republicæ; super omnia expertus. Misera servitus est, ubi lex incerta aut incognita. That in the 11th Hen. 3. Hubert de Burgh, chief justice, advised the king that Magna Charta was not to hold, because the king was under age when that act was made. He was created earl of Kent, but degraded for this some time after. In the 16th Hen. 3. Segrave, chief justice, was sentenced for giving sole counsel to the king against the common-wealth. That it was malum consilium to press more Subsidies when they had given two; and to bring them hither only for 40,000*l.* And, lastly, offered to give 1000*l.* out of his own estate, rather than grant any Subsidy now." The result of all which was, resolution was then agreed on, "That a committee of the whole house should be appointed at eight o'clock the next morning, to consider what return to make to his maj.'s message delivered this day."

The Commons proceed in the Consideration of Grievances, and postpone the Supply.] Aug. 11th. Notwithstanding yesterday's resolution, we find no mention of the Message in this day's proceedings; instead of that, the house went upon a Complaint made against sir Francis Stewart, an admiral, for suffering a pirate to take an English ship before his face. That the merchants acquainted him with this, and desired him to go out and chace the pirate; who answered, that his commission was not to go on the French coast, where he conceived the pirate was. He confessed that he saw the pirate board the English ship, but thought they had been fishermen. That, in conclusion, though he was offered great sums of money, or half the goods in the ship, yet he refused to go out.—Sir Edw. Coke moved for a committee to be appointed for this; and afterwards to acquaint the lords with it. Sir F. Seymour said, "That the lord admiral, Buckingham, had the care of these things; therefore the default must needs be in him or his agents. And moved for a committee to consider of the causes thereof, and where the default lay." Mr. Lyster mentioned the wrongs done to our trade, by the Dunkirkers; and therefore moved that the committee to be appointed might in a general way, consider of this, and the safety of all the seaports." Others agreeing in this, a committee of the whole house was appointed to take these matters into consideration.

The rest of this day was taken up with a long repetition of the Pardon to the Jesuits, &c. and of their desiring a conference with the lords, in order to induce them to join in a Petition to the king, to beseech him not to be importuned hereafter by any foreign ambassador, to grant any thing contrary to the Answers to their former Petition. On which Sir R. Philips observed, "That no Popish king would, at the instigation of our Ambassadors, release any person out of the Inquisition." A conference with the lords, on this, was agreed upon, and held, and Sir Edw. Coke made the report of it to their house. After repeating what is said before, about obtaining the Pardon from the king, he told them, "That the Lords had resolved to move the king never to pardon any Jesuit, or other Papist, till they were attainted. For their joining in the petition, they denied it not; but, considering his maj.'s gracious Answer to their other Petition about Religion, and that both houses were to give him thanks for it, the purport of this last might only be intimated to the king; which the Lords pressed them to consent to, That he had declared the satisfaction of that house, touching the Pardon and the date thereof, and the lord Conway's letter. Lastly, That all the lords were most hearty in the point of Religion.

The King dissolves the Parliament.] Aug. 12th. A Protestation was unanimously agreed upon, by the Commons, in a grand committee, which was reported to the house, ordered to be entered in the clerk's book, and presented to his maj. with all convenient speed, by all the members that were of the privy council, with sir John Fullerton and sir R. Carr attending them. Immediately after this, the gentleman-usher of the black rod came to call the house and the Speaker to come up to the lords, to hear a commission from the king, read to both houses: which was done accordingly.—Thus far the Journals. But Rushworth proceeds to tell us, "That the king, perceiving the commons resolved against a Supply, without redress of Grievances; and, in their debates, to reflect upon some great persons near himself, on the 12th of Aug. sent to the house of peers a commission, directed to several lords, for the Dissolution of the Parliament. And the Speaker, with the other house, being sent for, the commission was read before them all

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and this parliament was declared to be dissolved."—The Protestation of the Commons, mentioned above, is not in their Journals; but is preserved by Rushworth, and some other historians of those times, and is as follows:

The Commons' Protestation.] "We the knights, citizens, and burgesses of the commons house of parliament, being the representative body of the whole commons of this realm, abundantly comforted in his maj.'s late gracious Answer touching Religion, and his Message for the care of our health, do solemnly protest and vow before God and the world, with one heart and voice, that we are all resolved, and do hereby declare, that we will ever continue most loyal and obedient subjects to our most gracious sovereign lord king Charles; and that we will be ready in convenient time, and in a parliamentary way, freely and dutifully to do our utmost endeavours, to discover and reform the abuses and grievances of the realm and state; and in like sort to afford all necessary supply to his most excellent maj. upon his present, and all other his just occasions and designs; most humbly beseeching our said dear and dread sovereign, in his princely wisdom and goodness, to rest assured of the true and hearty affections of his poor commons, and to esteem the same to be (as we conceive it is indeed) the greatest worldly reputation and security that a just king can have; and to account all such as slanderers of the peoples affections, and enemies to the common-wealth, that shall dare to say the contrary."

As we have hitherto given the State of the Peerage, at the beginning of every new reign, we shall now do the same; by exhibiting

A List of all the Peers summoned to the first Parliament of Charles the First.

George, duke of Buckingham, lord high admiral of England, &c.
William marq. of Winchester
Thomas earl of Arundel and Surry, earl marshall of England.
Henry earl of Northumberland
John e. of Shrewsbury
Henry e. of Kent
William e. of Derby
Edw. e. of Worcester, lord keeper of the privy seal
Francis e. of Rutland
Francis e. of Cumberland
Robert e. of Sussex
Henry e. of Huntingdon
Edward e. of Bath
Edward e. of Bedford
William e. of Pembroke
William e. of Hertford
Robert e. of Essex
Theophilus e. of Lincoln
Charles e. of Nottingham
Thomas e. of Suffolk
Edward e. of Dorset
William e. of Salisbury
William e. of Exeter
Philip e. of Montgomery
John e. of Bridgewater
William e. of Northampton
Robert e. of Leicester
Robert e. of Warwick
William e. of Devonshire
John e. of Holderness
James e. of Carlisle
William e. of Denbigh
John e. of Bristol
Christ. e. of Anglesea
Robert e. of Somerset
Henry e. of Holland
Oliver e. of Bolingbroke
John e. of Clare
Francis e. of Westmoreland
Anthony visc. Montagu
William vis. Wallinford
John visc. Purbeck
William visc. Mansfield
Henry visc. Mandeville, lord president of the council
Francis visc. St. Alban*
Thomas vis. Colchester
Henry visc. Rochford
Thomas visc. Andover
Richard vis. Tumbridge
Wm. visc. Say & Seale
Henry Nevile lord Bergavenny
Mervin Tuchet, lord Audley
Edward l. Zouch
George l. Berkley of Berkley
Robert l. Willoughby of Eresby
Henry West l. De la War
Henry Parker l. Morley and Monteagle
Richard l. Dacres
Emanuel l. Scrope
Edw. Sutton, l. Dudley
Edward l. Stourton
Henry l. Herbert, eldest son to Edward e. of Worcester
John lord Darcie and Meynill
Edward Vaux l. Harrowden
Thomas l. Windsor
Thomas l. Wentworth
John l. Mordaunt
Thomas l. Cromwell
William l. Eure
Philip l. Wharton
Edmund l. Sheffield
William l. Paget
Dudley l. North
Theophilus Howard l. Walden, eldest son to the e. of Suffolk
Edward l. Wotton
Francis l. Russell
Henry l. Grey of Groby
William l. Petre
Henry l. Danvers
Robert l. Spencer
Edward l. Denny
Charles l. Stanhope of Harrington
George l. Carew
Thomas l. Arundel of Wardour
John l. Tenham
Philip l. Stanhope of Shelford
Edward l. Noel
Fulk l. Brooke
Edward l. Montagu
Robert l. Carey
John l. St. John of Basing
Wm. l. Grey of Werke
Francis l. Deyncourt
James l. Ley of Ley, lord high treasurer of England
Richard lord Roberts of Truro
Edward l. Conway of Ragley
Horace l. Vere of Tilbury

In all.	
Duke	1
Marquis	1
Earls	37
Viscounts	11
Barons	47
	97

A New Parliament called.] In the ensuing month of February, which was still the first year of his reign, the king thought proper to summon a New Parliament, which met at Westminster, on Monday the 6th of the said month.

The King's Speech.] His maj. being placed on his royal throne, the lords in their robes, and the commons below the bar, it pleased his maj. to speak as followeth: "My lords spiritual and temporal, and you gentlemen all; of mine own nature I do not love long speeches, and I know I am not very good to speak much. Therefore I mean to shew what I should speak in actions; and therefore I mean to bring in the

* By the Judgment passed upon this great man (see Vol. I. p. 1249), he was disabled from ever sitting in parliament; and though he was afterwards pardoned by king James, yet he was not summoned during that reign.

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old custom, which many of my predecessors have used before me, which is that my lord keeper should tell you at large what I should speak to you in parliament."

The Lord Keeper's Speech.] The *Keeper* (sir Thomas Coventry), conferring first with his maj. spake as followeth; "My lords, and you the kights, citizens, and burgesses of the house of commons, You are here assembled, by his maj.'s writ and royal authority, to hold a new parl. the general, antient, and powerful council of this renowned kingdom; whereof, if we consider aright, and think of that incomparable distance between the supreme height and maj. of a mighty monarch and the submissive awe and lowliness of loyal subjects, we cannot but receive exceeding comfort and contentment in the frame and constitution of this highest court; wherein not only the prelates, nobles, and grandees, but the commons of all degrees have their part; and wherein that high maj. doth descend to admit, or rather to invite, the humblest of his subjects to conference and counsel with him, of the great, weighty, and difficult affairs of the king and kingdom; a benefit and favour whereof we cannot be too sensible and thankful; for sure I am, that all good hearts would be both sensible and sorrowful, if we did want it; and therefore it behoveth all, with united hearts, and minds free from distraction and diversion, to fix their thoughts upon counsels and consultations worthy of such an assembly, remembering, that in it is presented the maj. and greatness, the authority and power, the wisdom and knowledge of this great and famous nation; and it behoveth us to magnify and bless God, that hath put the power of assembling parliaments in the hands of him, the virtue (inheront) of whose person doth strive with the greatness of his princely lineage and descent, whether he should be accounted *major* or *melior*, a greater king, or a better man; and of whom you have had so much trial and experience, that he doth as affectionately love, as he doth exactly know and understand the true use of parliaments; witness his daily and unwearied access to this house, before his access to the crown; his gracious readiness in all conferences of importance; his frequent and effectual intercession to his blessed father of never-dying memory, for the good of the kingdom, with so happy success, that both this and future generations shall feel it, and have cause to rejoice at the success of his maj.'s intercession. And when the royal diadem descended upon himself, presently, in the midst of his tears and sighs for the departure of his most dear and royal father, in his very first consultations with his privy council, was resolved to meet his people in parliament. And no sooner did the heavy hand of that destroying angel forbear those deadly strokes, which for some time did make this place inaccessible, but his maj. presently resolved to recall it, and hath now brought you together, and in a happy time, I trust, to treat and consult, with uniform desires and united affections, of those things that concern the general good.—And now being thus assembled, his maj. hath commanded me to let you know, That his love and affection to the public moved him to call this parliament; and looking into the danger and the spreading of that late mortality, and weighing the multitude of his maj.'s pressing occasions and urgent affairs of state, both at home and abroad, much importing the honour and safety of this kingdom; the same affection that moved him to call it doth forbid him to prolong the sitting of this parliament: And therefore his maj. resolving to confine this meeting to a short time, hath confined me to a short errand; and that is, That as things most agreeable to his kingly office, to the example of the best times, and to the frame of modern affairs, his maj. hath called you together to consult and advise of provident and good laws, profitable for the public, and fitting for the present times and occasions; for upon such depends the assurance of religion and justice, which are the surest pillars and buttresses of all good government in a kingdom: For his maj. doth consider, that the royal throne, on which God, out of his mercy to us, hath set him, is the fountain of all justice, and that good laws are the streams and rills by which the benefit and use of this fountain is dispersed to his people; and it is his maj.'s care and study, that his people may see, with comfort and joy of heart, that this fountain is not dry; but they and their posterity may rest assured and confident, in his time, to receive as ample benefit from this fountain, by his maj.'s mercy and justice, as ever subjects did in the time of the most eminent princes amongst his noble progenitors; wherein, as his maj. shews himself most sensible of the good of the public, so were it an injury to this great and honourable assembly, if it should be but doubted, that they shall not be as sensible of any thing that may add to his maj.'s honour; which cannot but receive a high degree of love and affection, if his maj. succeeding so many religious, wise, and renowned princes, should begin his reign with some additions unto those good laws which their happy and glorious times have afforded. And this his maj. hath caused me to desire at this time especially above others; for his maj. having, at his royal coronation, lately solemnized the sacred rites of that blessed marriage between him and his people; and therein, by a most holy oath, vowed the protection of the laws and maintenance of peace, both to church and people; no time can be so fit for his maj. to advise and consult at large with his people, as at this present time, wherein so lately his maj. hath vowed protection to his people, and they have protested their allegiance and service to him. This is the sum of that charge which I have received from his maj. to deliver unto you; wherein you see his maj.'s intent to the public: and therefore his desire is, That, according to that conveniency of time which his affairs may afford, you will apply yourselves to dis-

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patch the business of this parliament. And you of the house of commons, for to you I must speak, his maj.'s pleasure is, that, according to your antient custom, you may resort to the house appointed for you, and there make choice of a Speaker, whom his maj. wisheth to be presented unto him on Wednesday next."

The Speaker's Speech.] On the Wednesday following, the commons presented sir Heneage Finch, knt. serjeant at law, and recorder of London, for their Speaker; who having made the accustomed excuses, and acknowledged his maj.'s approbation, made this speech.

"Since it hath pleased your maj. not to admit my humble excuse, but, by your royal approbation, to crown this election; after my heart and hands first lifted up to God, that hath thus inclined your royal heart, I do render my humblest thanks to your maj. who are pleased to cast so gracious an eye upon so mean a subject; and to descend so low as, in a service of this importance, to take me into your princely thoughts. And since we all stand for hundreds and thousands, for figures and cyphers, as your maj. the supreme and sovereign auditor, shall please to place and value us, and, like coin to pass, are made current by your royal stamp and impression only, I shall neither disable nor undervalue myself, but with a faithful and chearful heart, apply myself with the best of my strength and abilities, to the performance of this weighty and public charge; wherein, as I do, and shall to the end, most humbly desire your gracious acceptance of my good intentions and endeavours, so I could not but gather some confidence to myself, that your maj. will look favourably upon the works of your own hands. And, in truth, besides this particular, these public things which are obvious to every understanding, are so many arguments of comfort and encouragement; when I contemplate and take a view of those inestimable blessings, which, by the goodness of God, we do enjoy under your maj.'s most pious and prudent government.—If we behold the frame and the face of the government in general, we live under a monarchy; the best of governments, the nearest resemblance unto the divine majesty which the earth affords, the most agreeable to nature, and that in which other states and republics do easily fall and reverse into the ocean, and are naturally dissolved as into their primam materiam. The laws by which we are governed, are above any value my words can set upon them; time hath refined and approved them; they are equal at least to any laws human, and so curiously framed and fitted, that as we live under a temperate climate, so the laws are temperate; yielding a due observance to the prerogative royal, and yet preserving the right and liberty of the subject; that which Tacitus saith of two of the best emperors, "Res olim insociabiles miscuerunt, imperium & libertas: And so far is this from the least diminution of sovereigns, that, in this, your maj. is truly stiled pater patriæ, and the greatest king in the world, that is king of such and so many free-born subjects, whose persons you have not only power over, but, which is above the greatest of kings, to command their hearts. If time or corruption of manners breed any mists or grievance, or discover any defect in the law, they are soon reformed by parliament, the greatest court of justice, and the greatest council of the kingdom, to which all other courts and councils are subordinate. Here your royal person still inthroned in the state of maj. attended by a reverend and learned prelacy, a great and full nobility inthroned, like stars in the firmament, some of a greater, some of a lesser magnitude, full of light and beauty, and acknowledging to whom they owe their lustre; and by a choice number of worthy knights and gentlemen, that represent the whole body of your commons. But to leave generals: We live not under a monarchy only, the best of governments, and under a government the best of monarchies; but under a king the best of monarchs, your royal person, and those eminent graces and virtues which are inherent in your person, (in whom greatness and goodness contend for superiority) it were presumption in me to touch, though with never so good a meaning; they will not be bounded within the narrow compass of my discourse: and such pictures of such a king are not to be made in limning, but for public things and actions which the least eye may see and discern; and in them, obliquely and by reflection, chearfully and with comfort behold your person. What age shall not record and eternize your princely magnanimities in that heroic action or venturous journey into Spain, or hazarding your person to preserve the kingdom? Fathers will tell it to their children in succession; Afterages will then think it a fable. Your piety to the memory of your dear father, in following and bedewing his herse with your tears, is full in every man's memory. The public humiliation when God's hand lay heavy upon us, and the late public thanksgiving to Almighty God for removing his hand, both commanded and performed in person by your maj. is a work in piety not to be forgotten; and I trust the Lord will remember them, and reward them with mercy and blessing to your maj. and the whole kingdom. Your love to justice, and your care in the administration of justice, we all behold with comfort, and rejoice to see it; the great courts of justice from the highest to the lowest furnished with judges of that wisdom and gravity, learning and integrity. The thrones of kings are established by justice; and may it establish, and I doubt not but it will establish the throne of your maj. in your person, and in your royal line, to the end of time. But above all, and indeed it is above all, as far as heaven is distant from the earth, your care and zeal for the advancement of God's true religion and worship, are clearly and fully exprest, and do appear both in your person, and by your public acts and edicts. It is true that it is said of princes, "Quod faciunt præcipiunt:" of your maj. both are true, and a proposition made

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convertible. We have received a most gracious answer from your maj. to all our late petitions concerning religion, seconded with a public declaration under the great seal, and enrolled in all the courts of justice, for your royal pleasure and direction to awaken and put life into these laws by a careful execution, with provision that the penalties be not converted to your private coffers; and yet the coffers of the kings are not private coffers, but, by your express direction, set apart to public uses, such as concern the immediate defence of the kingdom, wherein we all have our share and interest. Your royal proclamation hath commanded those Romish Priests and Jesuits to banishment; those incendiaries that infect the state of this church and common-wealth. Their very entrance into this kingdom is, by a just and provident law, made treason; their aims being in truth (how specious soever their pretences be) nothing else but to plot and contrive treason against the state, and to seduce your natural born subjects from their true obedience, nourishing in their posterities factions and seditions: witness those many treasons and conspiracies against the person of that glorious lady, whose memory will never die; and that horrible matchless conspiracy, the Powder Treason, the master-piece of the devil. But God that preserved her, and your royal father against all their treacherous conspiracies, and hath given you a heart to honour him, will honour and preserve you: religion will not more truly keep your kingdoms, than the seas do compass them: it is the joy of heart to your maj.'s loyal and well-affected subjects, and will ever be the honour of your regal diadem, and the crown of your crown. The Spanish Invasion in 1588, I hope will ever be remembered in England, with thankful acknowledgement to God for so great a deliverance: and I assure myself it is remembered in Spain, but with another mind, a mind of revenge; they are too constant to their counsels, to acquit their resolutions and purposes that drew on that attempt. It was long before discovered, and since printed, not without their liking, that they affect an universal monarchy. Videor mihi videre (saith Lipsius of their state) Solem orientem ab occidente; a monster in nature. And one of their own, speaking of the two great lights which God had placed in the firmament, makes the Pope Luminare majus presidens urbi & orbi, and the king of Spain, Luminare minus ut subdetur urbi & dominetur per totum orbem: a great flattery; and a bold and impudent illusion. But I trust, as God hath put it into the heart of your blessed father, by the matchless book of his, written to all christian monarchs and princes (a work by which he raised a monument to himself more lasting than marble) to denounce war to that adversary of God and kings, the Pope; so he hath set your sacred maj. upon the throne of your father, to do as many things worthy to be written, as he had written things worthy to be read, amongst them, to restrain that unlimited pride and boundless ambition of Spain, to reduce it to their proper current and channel; who, under the title of catholic king, makes his pretence to more countries and kingdoms than his own; and, by colour of disguised treaties, he invades the Palatinate, and dispossesseth the incomparable lady your royal sister, and the children of this kingdom, of their right and their antient patrimony and inheritance, to the discomfort and dishonour of this great and glorious nation. God in his mercy soon repair this breach by your royal head; and, I assure myself, the hearts, the hands, and the purses of all good subjects will say Amen.—But I may weary your maj. and lose myself, and forget for whom I am Speaker. Custom gives me the privilege, as an humble suitor on the behalf of the house, to present their few petitions unto your majesty. 1. The first, That, for our better attending this public and important service, ourselves and our necessary attendance may, with your maj.'s tender allowance, be free, both in our persons and goods, from arrests and troubles, according to our antient privileges. 2. The next, That since, for the preparing and drawing to conclusion such propositions as shall be handled in the house, debate and dispute will be necessary; and by variety of opinions, truth is oftentimes best discerned; your maj. will likewise, according to your antient usage and privilege, vouchsafe us liberty and freedom of speech, from which, I assure myself, duty and loyalty to your maj. will never be severed. 3. That when occasions of moment shall require, your maj. upon our humble suit, and at such times as may best sort with your occasions, will vouchsafe us access to your royal person. 4. That the proceedings of the house may receive a favourable interpretation at your gracious hands, and be free from misconstructions."

All the Commons receive the Sacrament.] The first thing the Commons went upon, was to appoint a grand committee for privileges and elections: to fix a day and place for receiving the communion; and to nominate a preacher. Every member of the house was to take the Sacrament at St. Margaret's Church, Westminster, on Sunday Sevennight: To bring his name, and the place for which he serves, and to deliver it to some gentlemen appointed for that purpose. After that time no man was to come into the house, till he had first received the communion in the presence of some of this committee. This religious precaution had been taken at the beginning of some late parliaments, designed, no doubt, for the detection of concealed papists; imagining, that though they might take the oath of allegiance and supremacy, against their consciences, yet they would not be so wicked as to crown their hypocrisy with receiving the sacrament.

The King's Message concerning sir Edw. Coke.] Feb. 10. The Chancellor of the Exchequer delivered a message from the king to the commons, to this effect: "That his maj.

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taking notice of an order they had made, to send out new writs upon double returns, desires to acquaint them also, That sir Edw. Coke, being sheriff of Buckinghamshire, was returned one of the knights of the shire for Norfolk, contrary to the tenor of the writ: therefore he hoped the house would do him that right as to send out a new writ for that county."—In order to understand the meaning of this Message better, it is necessary to look into the histories of these times for a farther explanation. It is said, That, to disqualify some gentlemen, who had been zealous in their opposition to the court in the last parliament, from serving in this, the king had pricked them as sheriffs of counties for the year ensuing. Amongst the rest old sir Edw. Coke, who had so vigorously distinguished himself against the minister and his measures, was nominated as above. This great lawyer demurred to the oath of a sheriff, and insisted that one part of it, which was to destroy and eradicate all heresies, commonly called Lollardies, was not to be taken. This produced an order of council, wherein that clause was left out of the oath, and established to continue so for the future: however, sir Edw. got himself returned, as knight of the shire, for another county; and this was the occasion of the king's message, and the debates in the house of commons which ensued upon it. Though all that the house did this day, in relation to the message, was to refer it to the committee of privileges and elections, to report their opinions of the law in these cases, and the usage of parliament, and to be the first heard.

Motion concerning Scandalous Ministers.] Sir *Benj. Rudyard* got up and moved the house on account of Religion, "Whereof," he said, the king had given ample testimonies of his great care and concern, both by his maj.'s late proclamations, and the life given to the execution of the laws against them, by commissions and letters: but he thought there ought to be some care taken against scandalous Ministers, as well as scandalous Livings. "Said," That he knew two ministers in Lancashire, who were found to be unlicensed ale-house keepers." A Committee was ordered to consider thereof.

Mr. *Pym* moved, "That this committee might also consider of certain Articles, set down last parliament, but not put into their Petition, or any thing else concerning Religion." Upon which motions a large committee was appointed, and all that would come were to have voices, to consider of all points concerning Religion, and to present their opinions to the house.

Sir *John Elliot* proposed, first, in general, to consider of the State of the Country, and a Relief for Grievances, &c. For particulars; first, the consideration of the King's Revenue. Next, an account how the Subsidies and Fifteenths, granted the 21. Jac. were expended; and therein to include the examination of the carriage and miscarriage of the last fleet: misgovernment; misemployment of the king's revenues; miscounselling, &c." and moved for a special committee to take consideration thereof. But happening, in his speech, to make use of the word 'Courtier,' he was called upon by sir Geo. Goring to explain it: which he did, but in what manner is not mentioned.

Feb. 21. After reading some petitions for payment of some monies disbursed for the maintenance of the English officers and forces, under count Mansfield, in the Low Countries, a grand Committee was appointed to consider of those things; and also of the three Subsidies and Fifteens formerly granted: to audit the accounts by a Sub-Committee, who were to prepare them ready for the other's inspection. Some of the succeeding days were taken up with reading of bills, of no great moment, the house being divided into different committees; amongst which, that on Grievances was busy in hearing complaints against the prime minister, and examining witnesses against him.

Feb. 27. Sir *John Finch* made a report from the committee of privileges and elections, what they had done in the Case of sir Edw. Coke aforementioned: wherein many cases were cited pro & contra, as to the nature of an high sheriff for one county being elected knight of the shire for another. On all which cases, he said, the committee would give no opinion; but desired that a search might be made amongst the records, for more precedents of the like nature. But the debate about this was put off to the 3d of March, and from thence to another day; from which time we hear no more of it. In all probability sir Edw. lost his seat in the house; for he is no way taken notice of as a speaker, or otherwise, throughout the whole course of this session afterwards, except on the day before the dissolution of this parliament; when, on the question, it was resolved; "That sir Edw. Coke, standing, de facto, returned a member of that house, should have privilege against a suit in chancery, commenced against him by the lady Clare."

Conduct of the Duke of Buckingham inquired into.] Affairs of a higher nature now begin to rise; and, what had been long hatching in the Commons, takes shape and life, and becomes very formidable against the minister and all his creatures. The recital of which not appearing in the Journals of either house, clear enough to distinguish rightly the particular movements of this grand attack, we shall not follow them, as usual, in die ad diem: but, in general, relate the source and ending of this great affair. The house of commons had been long busy in getting materials for exhibiting articles against the duke of Buckingham. Their committee on Grievances made several reports; That they had learned the reason why our merchant ships and goods were seized in France, was because our admirals had seized the goods of that nation in several ports of England, particularly in the ship called the Peter of Newhaven; which was brought into Plymouth by order of the duke,

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after the king and council had ordered it to be restored upon a just claim, and the court of admiralty had also released her: that 23 bags of silver and 8 bags of gold, taken out of this ship, were, by sir Francis Stewart, delivered to the lord duke: That till this action, the French did not begin to seize any English ships or goods; and that the duke, having notice of it, said, he would justify the stay of the ship by an express order from the king.

The Commons examine the Council of War.] The next thing we find, is, That the commons sent out a particular warrant, by their serjeant, to summon the whole Council of War before them, who were appointed to manage the business for the relief of the Palatinate, and this question was proposed unto them, "Whether their advice was followed, which they gave for the four ends, mentioned in the act of parl. 21. Jac. for which the money given by that act was to issue and be applied?" The names of this council of war were, the lords Carey, Brook, Vere, and Grandison, sir Rob. Maunsel, sir John Ogle, and sir Tho. Button. The first excused himself by the weakness and infirmities then upon him: The next, by his age, being 72, and having parted with his places: the lord Vere, the same, by his absence in the wars of the Low Countries: lord Grandison said, That since July last, they had seldom met, being dispersed by the sickness; but desired leave, in a question of such consequence, to confer together before they answered: and this was also the request of the rest. Which was granted, with a special order of the house to deliver their answer personally, in 3 days time. But what they then delivered in, not appearing satisfactory to the house, they were ordered to be examined singly on the question; but none of them appeared willing to gratify the house in that particular, except sir Rob. Maunsel.—It may not be improper, upon this occasion, to observe, That, for the better employment of the money to be expended in managing of the expected war, the Treasurers and the King's Council for the War, were required to make oath, viz. The Treasurers, "That none of those monies should issue out of their hands, without warrant from the said council of war:" and the other, "That they should make no warrants for the payment of any of those monies, but only of the ends above mentioned." And further, Should all be accountable for their doings and proceedings in that behalf, to the Commons in Parliament, when they, or any of them, should be thereunto required."—See Stat. at Large, 21 Jac. C. 34.

The King's Letter to the Speaker to hasten the Supply.] Whilst this affair was debating, the king sent a Letter to the Speaker, and a Message, by sir R. Weston, to the house; which were as follows:

"Charles R. Trusty and well-beloved, &c.—Having assembled the parliament early in the beginning of the year, for the more timely help and advice of our people in our great and important affairs; and having of late, not only by Message, but also of ourself, put our house of commons in mind of our pressing occasions, and of the present state of Christendom, wherein they have equal interest with us, as well in respect of their own former engagements, as of the common cause; we shall not need to tell them with what care and patience we have, in the midst of our necessities, attended their resolutions; but, because their unseasonable slowness may produce at home as ill effects as a denial, and hazard the whole estate of things abroad, we have thought fit, by you the Speaker, to let them know, That, without more loss of time, we look for a full and perfect Answer of what they will give for our Supply, according to our expectation and their promises; wherein, as we press for nothing beyond the present state and condition of our subjects, so will we accept no less than is proportionable to the greatness and goodness of the cause; neither do we press them to a present resolution in this, with a purpose to precipitate their counsels, much less to enter upon their privileges; but to shew, that it is unfit to depend any longer upon uncertainties, whereby the whole weight of the affairs of Christendom may break in upon us on the sudden, to our dishonour, and the shame of this nation. And, for the business at home, we command you to promise them in our name, that, after they have satisfied us in this our reasonable demand, we shall not only continue them together at this time, so long as the season will permit, but call them shortly again to perfect those necessary businesses which shall be now left undone; and now we shall willingly apply fit and seasonable remedies to such just Grievances, which they shall present unto us in a dutiful and mannerly way, without throwing an ill odor upon our present government, or upon the government, of our late blessed father. And if there be yet who desire to find fault, we shall think him the wisest reprehender of errors past, who, without reflecting backward, can give us counsel how to settle the present estate of things, and to provide for the future safety and honour of the kingdom."

The King's Message for hastening the Supply.] The heads of the king's Message by the chanlor of the exchequer were these: 1. "That his maj.'s fleet being returned, and the victuals spent, the men must of necessity be discharged, and their wages paid, or else an assured mutiny will follow: which may be many ways dangerous at this time. 2. "That his maj. hath made ready about 40 ships, to be set forth on a second voyage, to hinder the enemy, which want only victuals and some men; which, without present Supply of money, cannot be set forth and kept together. 3. "That the Army which is appointed in every coast must presently be disbanded, if they be not forthwith supplied with victuals and cloaths. 4. "That if the companies of Ireland, lately sent thither, be not provided for, instead of defending that country,

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they will prove the authors of rebellion. 5. That the season for providing healthful victuals will be past, if this month be neglected. And therefore his maj. commandeth me to tell you, that he desired to know, without further delay of time, what Supply you will give him for these his present occasions, that he may accordingly frame his course and counsel."

The Answer of the commons, and the king's Reply to it, are both preserved by Rushworth, in this form:—

Answer of the Commons.] "Most gracious sovereign; Your majesty's dutiful and loyal subjects, the commons now assembled in parliament, in all humility, present unto your royal wisdom this their loyal Answer to the Message which your majesty was pleased, by the chancellor of your exchequer, to send unto them, desiring to know, without any further deferring of time, what Supply they would give to your maj. for your present and extraordinary occasions, that you might accordingly frame your courses and counsels. First of all, they most humbly beseech your maj. to know and rest assured, That no king was ever dearer to his people than your maj. no people more zealous to maintain and advance the honour and greatness of their king than they; which, as upon all occasions they shall be ready to express, so especially in the support of that cause, wherein your maj. and your allies are now justly engaged. And because they cannot doubt, but your maj. in your great wisdom, even out of justice, and according to the example of your most famous predecessors, will be pleased graciously to accept the faithful and necessary information and advice of your parliament, which can have no end but the service of your maj. and safety of your realm, in discovering the causes, and proposing the remedies of these great evils, which have occasioned your maj.'s wants and your people's grief: They therefore, in confidence and full assurance of redress therein, do, with one consent, propose (tho', in former time, such course hath been unused) that they really intend to assist and supply your maj. in such a way, and in so ample a measure, as may make you safe at home, and feared abroad; for the dispatch whereof they will use such diligence, as your maj.'s pressing and present occasions shall require."

The King's Reply.] His maj. made this Reply to the Answer of the commons:—"Mr. Speaker, The Answer of the Commons delivered by you, I like well of, and do take it for a full and satisfactory Answer, and I thank them for it; and I hope you will, with all expedition, take a course for performance thereof, the which will turn to your own good, as well as mine: but for your clause therein, of presenting of Grievances, I take that but for a parenthesis in your speech, and not a condition; and yet for answer to that part, I will tell you, I will be as willing to hear your Grievances, as my predecessors have been, so that you will apply yourselves to redress grievances, and not to enquire after grievances. I must let you know, that I will not allow any of my servants to be questioned amongst you, much less such as are of eminent place, and near unto me. The old question was, What shall be done to the man whom the king will honour? But now it hath been the labour of some, to seek what may be done against him whom the king thinks fit to honour. I see you specially aim at the duke of Buckingham: I wonder what hath so altered your affections towards him. I do well remember, that in the last parliament in my father's time, when he was the instrument to break the Treaties, all of you (and yet I cannot say all, for I know some of you are changed, but yet the house of commons is always the same) did so much honour and respect him, that all the honour conferred on him was too little; and what he hath done since to alter and change your minds, I wot not; but can assure you, he hath not meddled, or done any thing concerning the public or common wealth, but by special directions and appointment, and as my servant; and is so far from gaining or improving his estate thereby, that I verily think he hath rather impaired the same. I wish you would hasten my Supply, or else it will be worse for yourselves; for, if any ill happen, I think I shall be the last that shall feel it."

Mr. Coke's Reflections on the Duke of Buckingham.] But the spirit raised against the minister could not be suppressed by any thing the king could do; and no Supply was to be expected till the duke was given up to public vengeance. The commons followed the chace very warmly against him; and, in some of their debates, very severe expressions were used against the court; particularly Mr. Clement Coke (son of sir Edward Coke,) said, "that it was better to die by an enemy, than to suffer at home." And another member, Dr. Turner, a physician, proposed to the house the following Queries, against the duke, grounded upon public fame.

Dr. Turner's Queries against the D. of Buckingham.] 1. "Whether the duke, being admiral, be not the cause of the loss of the king's royalty in the narrow seas?' 2. Whether the unreasonable, exorbitant, and immense gifts of money and lands, on the duke and his relations, be not the cause of impairing the king's revenue, and impoverishing the crown?" 3. "Whether the multiplicity of offices conferred upon the duke, and others depending upon him, whereof they were not capable, be not the cause of the evil government of this kingdom?' 4. Whether Recusants, in general, by a kind of connivency, be not borne out and increased, by reason the duke's mother and father-in law were known papists? 5. Whether the sale of offices, honours, and places of judicature, with ecclesiastical livings and promotions, a scandal and hurt to the kingdom, be not thro' the duke? 6. Whether the duke's staying at home, being admiral and general in chief of the sea and land army, was not

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the cause of the bad success and overthrow of the late action; and whether he gave good direction for the conduct of that design?"

When Mr. Coke spoke those words, or when these Queries were delivered to the house, we are not told; but the Journals inform us, that, the 14th of March, the chancellor of the exchequer delivered a Message from the king to the house, both concerning the words spoken by Mr. Coke, and the six Articles proposed by Dr. Turner against the duke; yet they say no farther, than that Mr. Coke stood up to clear himself from any ill intention, tending to sedition, in the words; but Rushworth is fuller, and gives us the substance of the king's Message to the house, as well as Dr. Turner's Excuse and Letter thereupon. The Message was in these words:

"That his Maj. had taken notice of a seditious speech uttered in the house by Mr. Clement Coke: the words are said to be to this effect, "That it were better to die by an enemy, than to suffer at home:" Yet his Maj. in his wisdom, hath forborn to take any course therein, or to send to the house about it, not doubting but the house would, in due time, correct such an insolence: But his maj. hath found, that his patience hath wrought to an ill effect, and hath emboldened one since to do a strange act, in a strange way, and unusual: That is Dr. Turner; who, on Saturday last, without any ground of knowledge in himself, or proof tendered to the house, made an enquiry of sundry Articles against the duke of Buckingham, as he pretended; but indeed against the honour and government of the king and his late father. This, his maj. saith, is such an example, that he can by no means suffer, though it were to make enquiry of the meanest of his servants, much less against one so near unto himself; and doth wonder at the foolish impudency of any man that can think he should be drawn, out of any end, to offer such a sacrifice, much unworthy the greatness of a king, and master of such a servant; and therefore his maj. can no longer use his wonted patience, but desireth the justice of the house against the delinquents; not doubting but such course will be taken, that he shall not be constrained to use his legal authority to right himself against these two persons."

Upon this Message, Dr. Turner made a short explanation of himself, desiring to know wherewith he was charged. "What he said, he said, the house can witness; and what he said, he spake for the general good of the commonwealth, and not upon the least reflection of any in particular. This he thought a parliamentary way, warranted by antient precedents. To accuse upon Common Fame, he finds warranted, first, by the imperial Roman laws, and the canons of the church, which allowed common fame sufficient to accuse any man. And they that are learned amongst them give two reasons: first for greatness, next for cunning. Our ancestors, within these walls, have done the like, and that to a duke, the duke of Suffolk, in the time of Hen. 6. who was accused upon fame." See vol. 1. p. 387. "And, lastly, he said, Mr. chancellor himself did present the common undertakers upon particular fame; and why he should not have as ample privilege in this place, he knew no reason to the contrary."

Dr. Turner's Excuse.] The commons appointed another day for the debate of this business, and in the mean time, the following letter from Dr. Turner was received by the Speaker.

"Sir; These lines first petition you to signify to the hon. house of commons, That my desires are still the same to have made my personal appearance before you, but my ability and strength to perform it are not the same; and therefore that I humbly desire them to excuse me on that part, and to accept of this my answer unto the matter that I shall speak to. I do confess, that, on Saturday last, in the afternoon, I did deliver in certain accusations of common fame, into the house of parliament, against my lord admiral, and that out of so many, all bearing the signature of vox populi, I chose out some few, not because they were greater, or more known grievances, but because they did seem to direct us to find out the griever, or the first cause: For I did think it was then full time to agree the agent and the actions; and that it was time also to leave considering grievances in arbitration. I do now also agree unto you, that which has been reported to you by Mr. Wandesford; and by that, if you shall think fit, will put myself unto your censure; hoping, and assuring myself, that you will find my design to include nothing else within it, but duty and public service to my country; and also, that my addressing those accusations to the house of parliament, shall, by you, be found to be done by a mannerly and parliamentary way. But, howsoever, it becomes me to submit my cause to your wisdoms and equal judgments, which I do heartily; and whatsoever you shall please to appoint me, I shall dutifully satisfy. When God shall be pleased to restore me able to attend your service, I doubt not but to give you an honest account of all my actions herein. And, if I shall first go to my grave, I desire, if you find me clear, the reputation of an honest man, and an Englishman, may attend me thereunto. Thus I rest, Your dutiful and humble servant,

SAMUEL TURNER."

Debate on Dr. Turner's Queries.] Notwithstanding the order for another hearing of this matter, there is no further mention made concerning it in the Journals, till April 22. when the house came to debate on the basis of Dr. Turner's Queries, "Whether common fame was a sufficient ground for accusation?"

Mr. *Mallet* began, and said, "That the question, 'Whether common Fame was a Ground sufficient for the Commons House of Parliament to proceed upon,' required great consideration. That he was against it, though, he confessed, he had seen few original prece-

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dents in the case. But the point, Whether an accusation upon common fame be to be entertained there, and from thence transmitted to the lords, he was against, for these reasons: 1. Because it would disadvantage the party accused; considering that he must answer the fame as well as the accusation. 2. Whosoever is accused here, and cleared, is, by the justice of this house, to have remedy against the accuser; which, by this course, he will want. In the 7th of Rd. 2. an accusation of Bribery was made against the chancellor, by Cavendish: the complaint being found false, he was adjudged to pay a fine of 3000 marks to be imprisoned, &c. In the 17th. Rd. 2. a complaint was made by the earl of Arundel against the duke of Lancaster. He was acquitted, and the duke ordered, in parliament, to have satisfaction from Arundel. That if this had been an use in parliament, it would, from thence, have been derived to other courts: whereas no temporal court hath ever used it, except in cases capital, as in that of M. de la Pole. So, in the case of Recusants, he thought it might be lawful; because the Recusant, though indicted, yet, conforming and taking the oaths, is freed from all penalties of the law. But this was not the case in question." If this was calculated to prevent a mischief, it might be tolerated; but, on the contrary, here, where it tends to judgment. This, he said, was not like the enquiry of a grand jury; yet no grand jury, except in the case of Recusants, proceedeth upon common fame, without other proof. He likened the resemblance of it to a double judgment on account; where the first judgment must be grounded on a verdict of confession. Doubted this precedent might be dangerous to inferior temporal courts, by way of imitation. That petitions to this house for a grievance are in writing, the petitioners present, and their hands unto it. Lastly, he said, he remembered the case of the bishop of Lincoln, 12. Jac. which, upon special reason, as concerning the honour of this house, and for which they could have no other ground of proof, was yet rejected, because it had no other ground." See vol. i. p. 1160.

Mr. *Wyld*, who quoted Bracton, said, "That all suspicions, grounded upon fame, were to be regarded. That some presumptions admit proof to the contrary, others not: but that this fame must arise amongst the better sort. All our law-books concur in this point, That an act must first be done, and the fame rise in the county where it was done. This is a good ground for arresting upon any felony; as murder, robbery, &c. and quoted several acts of parl. to prove it."

Mr. *Littleton* said, "That this was not a house of definitive judgment, but of information, denunciation, or presentment, for which common fame was sufficient. That there was a great difference between common fame and rumour: The general voice was common fame; vox populi, vox Dei. By the 14th Edw. 2. common fame was more than the saying of one man; for that it was the voice of many. That common fame was a good ground of imprisonment for treason or felony, by the 27th Eliz. but the person cannot then be said to be either a felon or a traitor. That, in other states, ancient and modern, men had been not only accused, but condemned, by common fame. He quoted precedents; of the duke of Suffolk's case, 28th Hen. 6. the duke of Somerset's, 29th Hen. 6. and the bishop of Lincoln's case, in the 12th of James. Concluded, That a man, accused by common fame, is to answer only to the accusation, and not the fame."

Mr. *Browne* argued, "That accusation was to be allowed, but not calumniation; calumniation is, in an unfit place, to lay an aspersion. That common fame was called, by civilians, semiplena probatio: arising out of apparent signs. If a private man accuse, and it be found false, he is liable to punishment; because he had nothing to do in it: but, where a member of this house does it, libere licet accusatio, if the place be proper for it: otherwise, not; therefore, an accusation in this house proper. That there was no subject, how great soever, but what is questionable here, if he be grievous to the common-wealth: So, in all former precedents; and this the only place in which to question great men."

Sir *Tho. Wentworth* said, "That if they could not present to the lords upon common fame, yet they might enquire and accuse, in that house, upon it. That this was the only safeguard for accusation of great men; whereas, in all others, no man dare accuse them for fear or danger. Men of evil fame were not bailable; but to be bound to good behaviour by act of parl. If common fame was sufficient for treason and felony, it was much more so in lesser offences. And scandalum magnatum lieth not, where a man can bring forth but one author."

Mr. *Selden* argued, "That the question was now only, Whether this house may proceed to transmit to the lords upon common fame; And surely they might, else no great man shall be accused, by any particular, for fear of danger. The faults of the Gods were not to be told, till the goddess Fame was born. "De eo male creditur," is put into indictments for murder. That this course of accusation was held in all the courts in Christendom. That these cases were to be ruled by the law of parliaments, and not either by the common or civil law. In the case of the duke of Suffolk, 28th Henry 6. there was a general rumour and noise of great offences done against the state. The commons, taking notice thereof, acquainted the lords with that general rumour, praying them he might be committed to the Tower; which the lords, upon consultation with the judges, refused; because the charge was only general: thereupon the commons instanced, in one particular, That the French king was ready to invade the kingdom through his default; whereupon he was presently committed. In the duke of Somerset's case, 29th Hen. 6. the like

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clamour upon common fame, and the parties complained of were removed from their offices."

Mr. *Rolle* said, "The commons may present a lord of the higher house to the lords; for he is not compellable to answer in this: And, if we cannot present upon common fame, he can never be drawn to answer. If the offence tend to felony or treason, the commons may pray to have him committed, in respect to the quality of the fact; but it is otherwise in smaller offences. In the 5th Hen. 4. a complaint was made against the king's confessor, and some others: Hereupon the lords ordered they should be removed from about the king. And the king, in parliament, though he knew no cause particularly, yet, because the lords and commons had thought them unfitting, he there commanded them to come no more near him; and that if there was any others, against whom the lords and commons had indignation, he would remove them also" See vol I. p. 291.

Mr. *Sherland* argued, 'That, in a case where there was probabilis causa litigandi, no damages were ever awarded. That common fame was allowed to be semiplena probatio. That the life and soul of the common-wealth was of greater respect than felony. He said, there was as well a real treason as a legal treason; the first tantamount to the other: therefore common fame was a sufficient ground in this case, as well as for felony.'

Mr. *Noy* said, "That men bound by recognizance were sometimes imprisoned on common fame. That this house could but enquire, they had no other jurisdiction: for they were no church wardens nor grand jury. And it was wrong, he said, that the fault should go unpunished, because no man durst accuse. The grounds for an enquiry were two; 1st. common fame; 2nd. whether that fame be true. That they ought not to transmit without the first be common; but without the particular enquiry they might: For it might happen they could not get witnesses; supposing the witnesses to be of the house of lords."

It is easy to see, by the course of this debate, that the duke had few advocates in the house of commons. We do not even find that the state-officers in that house said any thing in his favour; only we are told, that Mr. chancellor of the dutchy being asked his opinion, gave it against this proceeding by common fame. The question was put, "Whether common fame was a good ground of proceeding, either to enquire of it there, or transmit the complaint, if the house think fit, to the king or the lords;" and carried in the affirmative by a great majority.

This obstacle being removed, the commons proceeded with vigour against the duke. Several committees, appointed for particular enquiries into his conduct, brought in their reports, and many votes and resolutions were taken upon them; which we shall postpone till we come to the general charge against him. But, amongst the rest of the committees, there was one appointed to consider of a Supply to be granted to the king; and, March 27, sir D. Digges made the report from it. The same day it was resolved upon the question, "That 3 Subsidies and 3 Fifteens should be granted to his maj. in this session, payable at three separate times; the bill to be brought in, when they had presented their grievances, and received his answer to them."

The King commands the Attendance of both Houses.] March 28. The King sent a Message to both houses to require their attendance on him, at Whitehall, the next day, at nine o'clock; and, in the mean time, all proceedings in the house and in committees were to cease. Accordingly the lords and commons went thither, to whom his majesty made the ensuing speech:

The King's Speech.] "My lords and gentlemen; I have called you hither to-day, I mean both houses of parliament; but it is for several and distinct reasons. My lords, you of the upper house, to give you thanks for the care of the state of the kingdom now; and not only for the care of your own proceedings, but inciting your fellow-house of the commons to take that into their consideration: therefore, my lords, I must not only give you thanks, but I must also avow, That if this parliament do not redound to the good of this kingdom, (which I pray God it may) it is not your faults. And you, gentlemen of the house of commons, I am sorry that I may not justly give the same thanks to you; but that I must tell you, that I am come here to shew you your errors; and, as I may call it, unparliamentary proceedings in this parliament: but I do not despair, because you shall see your faults so clearly by the lord keeper, that you may so amend your proceeding, that this parliament shall end comfortably and happily, though at the beginning it hath had some rubs."

The Lord Keeper's Speech.] Then the Lord Keeper, by the king's command, spoke next: viz.;—

"My lords, and you knights, citizens, and burgesses of the house of commons; You are here assembled by his majesty's command, to receive a declaration of his royal pleasure; which, although it be intended only to the house of commons, yet his maj. hath thought meet, the matter being of great weight and importance, it should be delivered in the presence of both houses, and both houses make one general council. And his maj. is willing that the lords should be witnesses of the honour and justice of his resolutions. And therefore the errand which, by his maj.'s direction, I must deliver, hath relation to the house of commons. I must address myself therefore to you, Mr. Speaker, and the rest of that house.—And, first, his maj. would have you to understand, That there never was any king more loving to his people, or better affectioned to the right use of parliaments, than his maj. hath approved himself to be; not only by his long patience since the sitting down of this parliament, but

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by those mild and calm directions, which, from time to time, that house hath received by message and letter, and from his royal mouth, when the irregular humours of some particular persons wrought diversions and distractions there, to the disturbance of those great and weighty affairs, which the necessity of the times, the honour and safety of the king and kingdom, called upon: and therefore his maj. doth assure you, that when these great affairs are settled, and that his maj. hath received satisfaction of his reasonable demands, he will, as a just king, hear and answer your just grievances, which, in a dutiful way, shall be presented unto him; and this his maj. doth avow.—Next, his maj. would have you to know of a surety, That, as never any king was more loving to his people, nor better affectioned to the right use of parliaments; so never king was more jealous of his honour, nor more sensible of the neglect and contempt of his royal rights, which his maj. will by no means suffer to be violated by any pretended colour of parliamentary liberty; wherein his maj. doth not forget that the parliament is his council, and therefore ought to have the liberty of a council; but his maj. understands the difference betwixt council and controlling, and between liberty and the abuse of liberty.—This being set down in general, his maj. hath commanded me to relate some particular passages and proceedings, whereat he finds himself aggrieved.—1st. Whereas a seditious Speech was uttered amongst you by Mr. Coke, the house did not, as they ought to do, censure and correct him. And when his maj. understanding it, did, by a message, by Mr. Chancellor of the Exchequer delivered to the house, require justice of you; his maj. hath since found nothing but protracting and delays. This his maj. holds not agreeable to the wisdom and the duty which he expected from the house of commons.—2ndly, Whereas Dr. Turner, in a strange unparliamentary way, without any any ground of knowledge in himself, or offering any particular proof to the house, did take upon him to advise the house to enquire upon sundry Articles against the duke of Buckingham, as he pretended; but, in truth, to wound the honour and government of his maj. and of his renowned father: and his maj. first, by a message, and, after, by his own royal mouth, did declare, That that course of enquiry was an example, which by no way he could suffer, though it were against his meanest servant, much less against one so near him; and that his maj. did much wonder at the foolish insolency of any man that can think, that his maj. should be drawn, out of any end, to offer such a sacrifice, so unworthy of a king, or a good master; yet, for all this, you have been so far from correcting the insolency of Turner, that, ever since that time, your committees have walked in the steps of Turner, and proceeded in an unparliamentary inquisition; running upon generals, and repeating that whereof you have made fame the ground-work. Here his maj. hath cause to be exceeding sensible, that, upon every particular, he finds the honour of his father stained and blemished, and his own no less; and, withall, you have manifested a great forwardness rather to pluck out of his bosom those who are near about him, and whom his maj. hath cause to affect, than to trust his maj. with the future reformation of these things which you seem to aim at: and yet you cannot deny, but his majesty hath wrought a greater reformation in matters of Religion, Execution of the Laws, and concerning things of great importance, than the shortness of his reign (in which he hath been hindered, partly through sickness, and the distraction of things, which we could have wished had been otherwise) could produce.—Concerning the duke of Buckingham, his maj. hath commanded me to tell you, That himself doth better know than any man living the sincerity of the duke's proceedings; with what cautions of weight and discretion he hath been guided in his public employments from his maj. and his blessed father; what enemies he hath procured at home and abroad; what peril of his person, and hazard of his estate he ran into for the service of his maj. and his ever blessed father; and how forward he hath been in the service of this house many times since his return from Spain: and therefore his maj. cannot believe that the aim is at the duke of Buckingham; but findeth, that these proceedings do directly wound the honour and judgment of himself, and of his father. It is therefore his maj.'s express and final commandment, that you yield obedience unto those directions which you have formerly received, and cease this unparliamentary inquisition; and commit unto his maj.'s care, and wisdom, and justice, the future reformation of these things, which you suppose to be otherwise than they should be. And his maj. is resolved, that, before the end of this session, he will set such a course, both for the amending of any thing that may be found amiss, and for the settling of his own estate, as he doubteth not but will give you ample satisfaction and comfort.—Next to this, his maj. takes notice, That you have suffered the greatest Council of State to be censured and traduced in the house, by men whose years and education cannot attain to that depth: That foreign businesses have been entertained in the house, to the hinderance and disadvantage of his maj.'s negociations: That the same year, yea, the first day of his maj.'s inauguration, you suffered his council, government, and servants to be paralleled with the times of most exception: That your committees have presumed to examine the letters of secretaries of state, nay, his own; and sent a general warrant to his signet-office, and commanded his officers, not only to produce and shew the records, but their books and private notes, which they made for his maj.'s service. This his maj. holds as unsufferable, as it was in former times unusual.—Next I am to speak concerning your Supply of

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3 Subsidies and 3 Fifteenths, which you have agreed to tender to his maj. You have been made acquainted with the greatness of his affairs, both at home and abroad; with the strong preparation of the enemy; with the importance of upholding his allies, strengthening and securing both England and Ireland; besides the encountering and annoying the enemy by a powerful Fleet at sea, and the charge of all: This having been calculated unto you, you have professed unto his maj. by the mouth of your Speaker, your carefulness to support the cause wherein his maj. and his allies are justly engaged; your unanimous consent and real intention to supply his maj. in such a measure as should make him safe at home, and feared abroad; and that, in the dispatch hereof, you would use such diligence, as his maj.'s pressing and present occasions did require.—And now his maj. having erected a proceeding suitable to this engagement, he doth observe, that, in two days only of twelve, this business was thought of; and not begun, till his maj. by a message, put you in mind of it: whilst your inquisition, against his maj.'s direction, proceeded day by day.—And, for the Measure of this Supply, his maj. findeth it so far from making himself safe at home, and feared abroad, as, contrarywise, it exposeth him both to danger and disesteem; for his maj. cannot expect, without better help, but that his allies must presently disband, and leave him alone to bear the fury of a provoked and powerful enemy; so as both he and you shall be unsafe at home, and ashamed and despised abroad. And for the Manner of the Supply, it is in itself very dishonourable, and full of distrust: for although you have avoided the literal word of a condition, whereof his maj. himself did warn you, when he told you of your parenthesis; yet you have put to it the effect of a condition, since the bill is not to come into your house, until your Grievances be both preferred and answered. No such thing was in that expression and engagement delivered by your Speaker, from which his maj. holdeth that you have receded both in matter and manner, to his great disadvantage and dishonour. And therefore his maj. commandeth, that you go together, and by Saturday next, return your final Answer, what further Supply you will add to this you have already agreed on; and that to be without condition, either directly or indirectly, for the Supply of these great and important Affairs of his maj. which, for the reasons formerly made known unto you, can endure no longer delay; and, if you shall not by that time resolve on a more ample Supply, his maj. cannot expect a Supply this way, nor promise you to sit longer together; otherwise, if you do it, his maj. is well content, that you shall sit so long as the season of the year will permit; and doth assure you, that the present addition to your Supply to set forward the work shall be no hindrance to your speedy access again.—His majesty hath commanded me to add this, That therein he doth expect your chearful obedience, which will put a happy issue to this meeting, and will enable his maj. not only to a defensive war, but to employ his subjects in foreign actions, whereby will be added to them both experience, safety and honour.—Last of all, his maj. hath commanded me, in explanation of the gracious goodness of his royal intention, to say unto you, That he doth well know, that there are among you many wise and well tempered men, well affected to the public, and to his maj.'s service; and that those that are willingly faulty are not many: and, for the rest, his maj. doubteth not, but, after his gracious admonition, they will, in due time, observe and follow the better sort; which, if they shall do, his maj. is most ready to forget whatsoever is past."

The King's further Speech.] Then his majesty spake again;—"I must withall put you in mind a little time of past; you may remember, that, in the time of my blessed father, you did, with your counsel and persuasion, persuade both my father and me to break off the Treaty; I confess I was your instrument for two reasons; one was, the fitness of the time; the other, because I was seconded by so great and worthy a body as the whole body of parliament: then there was no body in so great favour with you, as this man whom you seem now to touch, but indeed, my father's government and mine. Now that you have all things according to your wishes, and that I am so far engaged that you think there is no retreat; now you begin to set the dice, and make your own game: but, I pray you be not deceived, it is not a parliamentary way, nor it is not a way to deal with a king. Mr. Coke told you, 'It was better to be eaten up by a foreign enemy, than to be destroyed at home.' Indeed I think it more honour for a king to be invaded, and almost destroyed by a foreign enemy, than to be despised by his own subjects. Remember, that parliaments are altogether in my power for their calling, sitting, and dissolution; therefore as I find the fruits of them good or evil, they are to continue, or not to be: and, remember, that, if in this time, instead of mending your errors, by delay you persist in your errors, you make them greater, and irreconcileable; whereas, on the other side, if you do go on chearfully to mend them, and look to the distressed State of Christendom, and the affairs of the Kingdom, as it lieth now by this great engagement; you will do yourselves honour, you shall encourage me to go on with parliaments, and, I hope, all Christendom shall feel the good of it."

The D. of Buckingham explains some Misapprehensions of the King's and the Lord Keeper's Speeches.] The king being, very soon after this, informed that some things in his own Speeches and others in the Lord Keeper's were subject to misunderstanding, was willing to have them explained. A Message from the lords was sent down to the lower house, March 30th, to desire a conference with them, immediately, in

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the Painted-Chamber. Which, being accepted of, the duke of Buckingham, as ordered by his maj. made the following Declaration:

"Whereas it is objected by some, who wish good correspondency betwixt the king and people, that to prefix a day to give or to break, was an unusual thing, and might express an inclination in the king to break; to remove this, as his maj. was free from such thoughts, he hath desended to make this explanation.—That as his maj. would not have you condition with him directly or indirectly, so he will not lie to a day, for giving further Supply; but it was the pressing occasion of Christendom that made him to pitch upon a day.—His maj. hath here a servant of the king of Denmark, and another from the duke of Weymer; and yesterday received a letter from his sister the queen of Bohemia, who signified that the king of Denmark hath sent an ambassador, with power to perfect the contract which was made at the Hague; so it was not the king, but time, and the things themselves that pressed a time.—Therefore his maj. is pleased to give longer time, hoping you will not give him cause to put you in mind of it again; so that you have a greater latitude, if the business require to think further of it.—I am commanded further to tell you, that if his maj. should accept of a less sum than will suffice, it will deceive your expectations, disappoint his allies, and consume the treasure of the kingdom; whereas, if you give largely now, the business being at the crisis, it comes so seasonably, it may give a turn to the Affairs of Christendom.—But while we delay and suffer the time to pass, others abroad will take advantage of it, as the king of Spain hath done, by concluding a peace, as it is thought, in Italy, for the Valtoline; whereby our work is become the greater, because there can be no diversion that way.—As it was a good rule to fear all things and nothing, and to be liberal was sometimes to be thrifty; so in this particular, if you give largely, you shall carry the war to the enemy's door, and keep that peace at home that hath been: whereas, on the contrary, if you draw the war home, it brings with it nothing but disturbance and fear, all courses of justice stopped, and each man's revenue lessened, and nothing that can be profitable.—Another explanation I am commanded to make, touching the Grievances; wherein his maj. means no way to interrupt your proceedings, but hopes you will proceed in the antient ways of your predecessors; and not so much seek faults, as the means to redress them.—I am further commanded to tell you, That his maj. intends to elect a committee of both houses, whom he will trust to take the view of his estate, the defects of which are not fit for the eyes of a multitude; and this committee will be for your ease, and may satisfy you, without casting any ill odour on his government, or laying open any weakness that may bring shame upon us abroad. That which is proposed is so little, that when the payment comes, it will bring him to a worse estate than now he is in; therefore wishes you to enlarge it, but leaves the augmentation to yourselves; but is sorry, and touched in conscience, that the burthen should lie on the poorest, who want too much already; yet he will not prescribe, but wish that you, who were the abettors and counsellors of this war, would take a greater part of the burthen to yourselves; and any man that can find out that way, shall shew himself best affected, and do the best service to the king and state."

The Duke of Buckingham vindicates himself.] The duke then made his Address to them, in his own behalf, as follows:

"My lords and gentlemen; You were all witnesses yesterday how good and gracious a master I serve; and I shall likewise be glad that you be witnesses how thankful a heart I have. And, I protest, I have a heart as full of zeal to serve my master as any man; and it hath been my study to keep a good correspondency betwixt the king and his people: and, whatever thought hath been entertained of me, I shall not alien my heart from that intention, but shall add spurs to my endeavours and actions, to vindicate myself from ill opinion.—And however I lie under the burden of the same, it lies in your hands to make me happy or not; and, for my part, I wish my heart and actions were known to you all, then, I assure myself, you would resume me to your good opinions.—When I had, with some hazard, waited on my master into Spain, it is well known what testimony I gave of my religion; and no man that come to a true and near view of my actions, can justly charge me. Let me be excused if I give account of this particular, when I should speak of the general; for this goes near my heart, and to dissemble with my conscience, no ends of fortunes in the world can make me do it: for, if I had any ill inclination, I had such offers made to me in Spain, as might have tempted me.—If I would have been converted myself, I might have had the Infanta put in my master's bed; and, if my discontent should have risen here, I might have had an army to have come with me: but I thought the offer foolish, ridiculous and scornful, in that point of religion.—I will now take the boldness to speak a little in the general business; and I call it boldness to speak so after one who did so well the other day: but I had rather suffer in my own particular, than not refresh your memories with that which is materially needful.—I shall not need to reflect so far back as to the beginning of those counsels which engaged my master into the war, they are all well known; only I will so far touch it, as to say, that the last year's preparations were not voluntary, or out of wantonness, but out of necessity.—My master had good intelligence that the king of Spain's eye was maliciously bent this way, which had been pursued accordingly, if the employment of the Low-Conntry-men to the Bay of Todos los Santos had not diverted it.—Now, for the

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Counsel which was used in sending out the Fleets, I will refer you to the relation of the lord Conway; who, as well in this as other resolutions, can tell you, that nothing was carried with single counsels: and, for myself, I know, that in all those actions, no man can stand up against me, to say, that I ever did go with single counsels, or made breach of any; but have been an obedient servant and minister unto their resolutions: the proof whereof will appear in a Journal thereof, which my lord Conway keeps.—I confess all Counsels were not ever as yourselves would, nor have wished they should; if you had known them as my master did, in whom the former affairs of state had bred such affections, that the business being altered, they were not to be trusted with the change.—I will now give you an Account of all my Negociations, since my being at Oxford, both at home and abroad; and because there it was charged, that those things were carried with single counsels, I was more careful to advise the king to have his council with him in the country, being to enter into war with an active king.—And, for my part, I did diligently wait upon the Council, left all recreations, all personal occasions, studying to serve my master, and to gain the good opinion of both houses. The Council of Woodstock generally advised the going out of the Fleet; and though it were objected, that the season were not fit, yet the action shewed the contrary, for they all arrived in safety. And for what was also objected, that the provision was not good, experience tells you the contrary; for the preparations were all good in quality and proportion.—And if the success were not such as any honest man could wish, I hope I shall not be blamed, not being there in person, though I made the greatest suit for it to my master, that ever I did for any thing: but his maj. thought my service more useful in the low countries, to comfort his sister, and to treat with the kings of Denmark, Sweden, and the States.—And though the success, (as I said) of the Fleet, were not answerable to the desires of honest men, yet it had these good effects; first, it put our enemy to great charge in fortifying his coasts. Secondly, they took so many ships as caused many of his merchants to break, whereby the army in Flanders suffered much: And, lastly, they could carry no treasure out to pay their forces in Flanders.—And for Omissions of what more might have been done, I leave that to its proper place and time, and let every man bear his own burden.—From Oxford the council went to Southampton, where the States Ambassadors did wait often on the king and council; and a league, offensive and defensive, betwixt us and them, was thought fit to be resolved on, whereof some reasons I will express, but not all. First, they are of our own religion. Secondly, they are our neighbours for situation so useful, as when they are in distress, it is policy in us to give them relief; therefore the king thought fit to do it in such a manner as might lay an obligation on them; which, if it had not been done, they had been pressed with a long war, and such a faction among themselves, as, if the king had not joined, and in a manner appeared their protector, they had broke among themselves. And in this the king's care was not only of them but of all Christendom, and of his own particular.—For, as before, he only assisted them; his maj.'s care now used arguments to draw them to contribution; so that they bear the fourth part of the charge of the war at sea, according to such conditions, as, by the lord Chamberlain, you have heard.—This league being perfected between the States and us, his maj. by advice of his Council, thought fit to send me to get such a league with the other princes as I could. The rendezvous was in the Low Countries, being in a manner the centre for repair for England, France, and Germany; I had latitude of commission to make the league with most advantage I could.—Now I had discovered from M. B——, the French ambassador here, that a league, offensive and defensive, would be refused; and I found the king of Denmark shie, and loath to enter into such a league against the king of Spain; and so, partly out of necessity, and partly out of reasons of state, I was forced to conclude the league in general terms, for the restoring the liberty of Germany, without naming the king of Spain, or the emperor, that other princes might come in; and this to continue till every one had satisfaction; and nothing to be treated of, debated, or concluded on, but by consent of all parties. It did appear that the charge was so great, that the kingdom could not endure it; and therefore I endeavoured, in the Low Countries, to lessen it, and so the sea-charge was helped; and the land-assistance given unto them, is to cease six months hence, which the lord Conway said was to end in September next.—Also, by this Treaty, it is conditioned with the king of Denmark, that when my master shall, by diversion, equal to this contribution with his own subjects, enter into action, then his charge to cease: or if the king of France may be drawn in, of which there is great hope (though he hath now made peace in Italy) for that the policy of France may not give way unto the greatness of the house of Austria and ambition of Spain, whose dominions do grasp him in on every side; and, if the business be well carried, his engagement to the king of Denmark may draw him in; so there is great possibility of easing our charge.—But all is in the discreet taking of the time; for, if not, we may think the king of Denmark will take hold of those fair conditions which are each day offered him; and then the enemy's army will fall upon the river of Elve, and (the lord Conway added) upon East-Friezland, from whence they would make such progress, as (in my poor experience) would ruin the Low Countries.—And thus I think I have satisfied all of you, or at least given an Account of my Negociation in the Low Countries, with the king of Denmark, Sweden, and

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the rest.—I should be glad, before I end, to say somewhat of myself, but I shall request your favourable construction, for I have been too long already; but I fear I shall offend, and therefore I will restrain myself to generals.—If, in any of these employments, my errors may be shewed me, I shall take him for my best friend that will manifest them in particular. I have bent all my thoughts on nothing but my master's honour, the service of the state, and safety of them both. I never had any end of mine own, and that may be perceived and proved by the expence of mine own estate. I am ashamed to speak it, and it would become another man's tongue better than mine own.—My Journey into Spain was all at my own charge; my Journey into France was at my master's charge; my Journey into the Low Countries was all at my own charge.—I am accused, by common Fame, to be the cause of the loss of the Narrow Seas, and the damage there sustained. What I can say, is this, since the war begun with Spain, I have always had 12 ships on the coasts, and allowance but for 4; the rest my own care supplied. And, for the office of Admiral, when I came first to it, I found the Navy weak, not neglected by my noble predecessor (for I cannot speak of him but with honour; and I shall desire to go to my grave with the honour he carried hence) but the not paying of monies in time, there were such defects his care could not prevent; that, if the war had then broken out, there would have been found but few ships, and those unserviceable. I was first prevailed on to take this office by persuasion of sir Robert Mansel; and, though I objected I was young, and unexperienced, yet he said, that, by my favour with my master, I might do more good in procuring payment for that charge; and, because I was young and unexperienced, I took advice, as I do in all things, and am not ashamed of it. I have desired my master to grant a commission as it were over me. I have found a great debt, the ships defective, and few in number; the yearly charge of 54,000*l.* which was brought to 30,000*l.* per ann.; we built every year 2 ships; and when so many were built as were requisite, we brought it to 22,000*l.* per ann. which comes not into my hands, but goes into its proper streams, and issues from the officers to that purpose deputed.—Now, if any can shew me a project, how to maintain a war against Spain, Flanders, and the Turkish pirates with less charge, he will do a great work, and good service. I have had sometimes 20, sometimes 30 ships, though sometimes disastered by tempest, which dispersed the Hollanders ships, and caused them to cut their masts and forsake their anchors. There are now 12 ships victualled for 2 months; and, though many reports have been, that they do not do their duty, yet I have advertised them thereof from time to time, and find no such fault in them.—There are 30 ships more at Plymouth, victualled for 6 months, and 10 more ready, so soon as they may be victualled. I have been so frugal of making use of the old remains, that there is no need of ammunition, or other necessaries.—Besides all these, there are 20 ships to come from the Low Countries; so you have 12, 20, 30, and 10 more, which I think you have not heard of.—And therefore, if any have blamed me, I do not blame him, but think he hath done well: but when you know the truth, and when all this shall appear, I hope I shall stand right in your opinions.—Gentlemen, it is no time to pick quarrels one with another; we have enemies enough already, and therefore more necessary to be well united at home. Follow not examples, at least not ill examples of Gondomor and Ynojosa, who would have had my head, when you thought me worthy of a salute. Now, though I confess there may be some errors, I will not justify myself; yet they are not such gross defects as the world would make them appear. I desire they may be admitted cum nota. They are no errors of wilfulness, nor of corruption, nor oppressing of the people, nor injustice, but contrary; and then may I say, for what good done by me do I suffer?—And now I might answer more particulars, but I have been long, and so will forbear; and will conclude, if your Supply answer not your promises and engagements to my master, you will make this place, which hath been in peace when others were in war, the seat of war when others are in peace.—Now gentlemen, you that were antient parliament-men when this council was first given, strive to make good your own engagement, for the honour of your king, and your own safety. Let religion, in which I would be glad to be more watchful and more industrious than any, unite your hearts both at home and abroad; and you that are young men, may in these active times gain honour and reputation, which is almost sunk, and gain the ancient glory of your predecessors: and, remember, it is for restoring to her inheritance, the most virtuous lady, I think, in the world. I have nothing more, but to intreat your charitable opinion of me and my actions.

Lord Conway's Vindication of the D. of Buckingham.] For the further vindicating of the duke, the lord Conway stood up and said:—"That whereas divers jealousies have been raised in the house, that the monies have been expended unusefully, and without council; himself who was the only secretary, and had the hand in guiding the business, could best give an account of it. When king James, of glorious memory, at the request of both houses, had broken both the Treaties, he considered how to maintain the war; for he saw that the king of Spain was awaked, and that the Palatinate must be got by the sword, and that Spain would oppose it with all the power they could; and computing the Charges, found the Subsidies granted too short; for that it could not be done without an army of 25,000 foot, and 5000 horse, which would amount to 600,000*l.* for the armies yearly, and 300,000*l.*

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for the navy; but, finding all his means short, and as the proverb is, Not knowing of what wood to make his arrows to hit the mark withall, count Mansfield stirred up by his own judgment, came over and made overture, That for 20,000*l.* a month he would raise an army of 30,000 men, and draw in the French king, Denmark, Sweden, Venice, Savoy, the Cantons of the Switzers, and, perhaps, some other German princes, and raise a war in Alsatia, of great consequence to make a diversion.—Now about this time the council of Austria resolved to call a diet, and exclude the count Palatine, and put in a Popish elector; and, for that end, offered a general peace in Germany, and so left not a crevice to look into for assistance; but if any of them should aid the count Palatine, he should be out of the peace.—The king accepts Mansfield's offer, conditionally, that he drew in the French king: so Mansfield went over into France; and the king, by advice of his council, sent ambassadors into France, Denmark, Venice, Savoy, and Cantons of the Switzers, from whom he received cold answers; for the king James had stood so long on terms of peace, as they doubted he would not be brought to enter into a war. But count Mansfield procured the king of France to contract or receive our troops, with promise to enter into the war, upon condition it might be regulated by the council of the French king and England. This favour to count Mansfield, That France agreed that his armies should join with the king's troops, wrought the princes of Germany to believe, that the king would enter into a war. Thereupon the Imperialists left their diet, and sent Tilly to Friezland; and to take up the river of Embden; which, if he had obtained, they would have trampled the Low Countries under foot, and would have become governors of the sea. Upon this the king of Denmark sent to our king, and offered to raise an army of 30,000 men, if our king would allow 30,000*l.* a month, and said, He would admit no time of respite; for if Tilly had not been presently met and headed, all had been lost. Whereupon our king called a council, and appointed commissioners; and from that time all the warrants for the issuing of the monies, were all under the king's own hand to the council of war, and from them to the treasurers, and the warrants were from the lords of the council for the levying of men, and for coats and conduct money. Thereupon the duke asked the question, Whether any thing was done by single counsel? To which the lord Conway answered, "No: For the Treaty of Denmark, Project of count Mansfield's, Treaties with France, and the business of the Navy, were done all by the king himself; and who can say it was done by single council, when king James commanded it, whose council every man ought to reverence, especially in matters of war, whereunto that king was not hasty?"

The Commons Answer to the King's and the Lord Keeper's Speeches.] After a report was made to the Commons of this Conference, by members appointed for that purpose, the house went upon framing a Remonstrance to the king, by way of Answer to his and the lord keeper's speeches. This being perfected, and approved on by the house: it was presented to his maj. April the 5th, by a select committee, and was as follows:

"Most gracious Sovereign; Whereas your maj. hath been pleased of late, at sundry times, and by several means, to impart unto us your royal pleasure, touching some passages and proceedings in this present parliament: We do first, with unspeakable joy and comfort, acknowledge your maj.'s grace and favour, in that it hath pleased you to cause it to be delivered unto us by the lord keeper of your great seal, in your own royal presence, and before both houses of parliament, That never king was more loving to his people, nor better affected to the right use of parliaments; withall professing your most gracious resolution to hear and redress our just grievances. And, with like comfort, we acknowledge your maj.'s goodness shining at the very entrance of your glorious reign, in commanding the execution of the laws established to preserve the true religion of Almighty God, in whose service consisteth the happiness of all kings and kingdoms.—Yet let it not displease your maj. that we also express some sense of just grief, intermixed with that great joy, to see the careful proceedings of our sincere intentions so mis-reported, as to have wrought effects unexpected, and, we hope, undeserved.—First, touching the Charge against us in the matter concerning Mr. Coke: We all sincerely protest, That neither the words mentioned in your maj.'s message, nor any other of seditious effect, were spoken by him, as hath been resolved by the house, without one negative voice. Howsoever, in a speech occasionally uttered, he did let fall some few words which might admit an ill construction; whereat the house being displeased at the delivery of them, as was expressed by a general and instant check, he forthwith so explained himself and his intention, that, for the present, we did forbear to take them into consideration, which since we have done: And the effect thereof had before this appeared, if, by importunate business of your maj.'s service, we had not been interrupted.—The like interruption did also befall us in the Case of Dr. Turner; wherein the question being formally stated, a Resolution was ordered to have been taken that very day, on which we received your maj.'s command to attend you.—But for our own proceedings, we humbly beseech your maj. to be truly informed, that before that overture from Dr. Turner, (out of our great and necessary care for your honour and welfare of your realm) we had taken into serious consideration the evils which now afflict your people, and the causes of them, that we might apply ourselves unto the fittest remedies: In the pursuit whereof, our committees (whatsoever they might have done) have in no parti-

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cular proceeded otherwise, than either upon ground of knowledge in themselves, or proof by examination of witnesses, or other evidence. In which course of service for the public good, as we have not swerved from the parliamentary ways of our predecessors, so we conceive that the discovery and reforming of errors, is so far from laying an aspersion upon the present time and government, that it is rather a great honour and happiness to both, yielding matter to great princes, wherein to exercise and illustrate their noblest virtues.—And although the grievous Complaints of the Merchants from all parts, together with the common service of the subjects well affected to those who profess our religion, gave us occasion to debate some businesses that were partly foreign, and had relation to affairs of state; yet we beseech your maj. to rest assured, it was exceeding far from our intention, either to traduce your counsellors, or disadvantage your negotiations.—And tho' some examples of great and potent ministers or princes, heretofore questioned in parliament, have been alledged; yet was it without paralleling your maj.'s government, or councils, to any times at all, much less to times of exception.—Touching the Letter of your maj.'s secretary; it was first alledged by your advocate for his own justification, and after, by direction of the committee, produced to make good his allegation.—And for the Search of the Signet-Office; the copy of a letter being divulged, as in your maj.'s name, with pregnant cause of suspicion, both in the body and direction thereof, to be suppositious; the committee, out of desire to be cleared therein, did, by their order, send some of themselves to the signet-office, to search whether there were any records of letters of that nature, without warrant to the officer for any, much less for a general search.—But touching public Records, we have not forborn, as often as our businesses have required, to make search into them, wherein we have done nothing unwarranted by the laws of your realm and the constant usage of parliaments. And if, for the ease of their labours, any of our committees have desired the help of the officers repertories, or breviats of direction, we conceive it is no more than any subject, in his own affairs, might have obtained for ordinary fees.—Now, concerning your maj.'s servants, and, namely the duke of Buckingham; we humbly beseech your maj. to be informed by us your faithful commons, who can have no private end but your maj.'s service, and the good of our country, That it hath been the antient, constant, and undoubted right and usage of parliaments, to question and complain of all persons, of what degree soever, found grievous to the common-wealth, in abusing the power and trust committed to them by their sovereign. A course approved not only by the examples in your father's days, of famous memory, but by frequent precedents in the best, and most glorious reigns of your noble progenitors, appearing both in records and histories: without which liberty in parliament, no private man, no servant to a king, perhaps, no counsellor, without exposing himself to the hazard of great enmity and prejudice, can be a means to call great officers into question for their misdemeanors; but the common-wealth might languish under their pressures without redress: and whatsoever we shall do accordingly in this parliament, we doubt not but it shall redound to the honour of the crown, and welfare of your subjects.—Lastly, We most humbly beseech your maj. graciously to conceive, that though it hath been the long custom of parliaments to handle the matter of Supply with the last of their businesses; yet, at this time, out of extraordinary respect to your person, and care of your affairs, we have taken the same into more speedy consideration; and most happily, on the very day of your maj.'s inauguration, with great alacrity and unanimous consent, after a short debate, we grew to the resolution for a present Supply well known to your maj.—To which, if addition may be made of other great things for your service, yet in consultation amongst us, we doubt not but it will appear, That we have not receded from the truth of our first intention, so to supply you, as may make you safe at home, and feared abroad; especially if your maj. shall be pleased to look upon the way intended in our promise, as well as to the measure of the gift agreed.—With the like humility we beseech your maj. not to give ear to the officious reports of private persons for their own ends, which hath occasioned so much loss of time; nor to judge our proceedings whilst they are in agitation, but to be pleased to expect the issue and conclusion of our labours; which, we are confident, will manifest and justify to your maj. the sincerity and loyalty of our hearts, who shall ever place in a high degree of happiness the performing of that duty and service in parliament, which may most tend to your maj.'s honour and the good of your kingdom."

The Commons adiourn by the King's Desire.] After this Remonstrance was read to the king by Mr. secretary Cooke, his maj. said to the committee, "That he would not then give Answer to it; but expected and desired that the commons would adjourn, as the lords had done, until the 13th of the same month; and that then they would repair the time they had hitherto lost." On the report of this to the house, a debate arose, and the question being twice put, Whether to adjourn, or no? it was carried in the affirmative, on a division 150 against 120, and the house adjourned itself to Thursday in Easter week.

During this short recess, we shall look back into some Proceedings of the Lords in the course of this session; in order to pave the way for a full explanation of what was to be done against the duke of Buckingham, at the next meeting of the parliament.

The Lords consider the State of the Realm.] March 6. The house was put in mind that their lordships had now sat a month, and yet

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not considered of the State of the Realm as it then stood with a great and potent enemy, the Spaniard exasperated, and preparing great forces for an invasion: Therefore they were moved to appoint a committee to consider of the State of the Realm, in general; and in particular, of the Safeguard of the Seas; the Stores of Munition and Arms, and all things incident thereto; and of fortifying the Forts. A committee was appointed accordingly.—The next day the lord keeper signified to the house, "That his maj. took special notice of that committee, and, with great approbation thereof, commanded him to give their lordships very hearty thanks for their zeal therein, to his honour and the safeguard of the realm; and desired them to proceed in it with all speed and alacrity."

The same day a report was made from this committee, "That the master of the ordnance had acquainted them with the great Want of Gunpowder in the Stores; which their lordships thought fit to be provided. "Also "That the said committee thought proper that the following particulars be offered to the consideration of the commons: 1. That a fleet be presently set out against the king of Spain, to annoy him and prevent an Invasion of this kingdom. 2. That another fleet be set out to defend our own coasts, and the merchants from pirates. 3. The Maintenance of the Armies under the king of Denmark and count Mansfield. 4. To acquaint the commons with the present State of this Kingdom and the Confederates thereof." —Upon this report the house resolved upon a conference with the commons; and a select committee of each house, consisting of 40 lords and a proper number of the commons, was appointed to meet at 3 that afternoon. The houses sat that afternoon, and the lords committees, being returned from the conference, reported, "That they had fully related to the commons the cause of that meeting: and that they had promised to deliver the same to their house."

After the Report of this Conference was made to the commons, it was moved to consider what Answer was fit to be given to the lords, and then to go on with the business before them. Others moved to go on, as before, and give no Answer at all to them. On this, the question being put, Whether to answer or not? the house divided, and it was carried in the affirmative 226 against 166; and a committee was appointed to consider of and draw up an Answer to that purpose. But we cannot find, by either Journals, that ever any answer was returned to the lords about this business, the commons seeming more intent on redressing grievances at home, than troubling themselves about affairs abroad.

The lords, notwithstanding, went on with their committee for the Defence of the Realm, &c. and, on the 24th of March, the lord treasurer reported to the house, That the said committee had made several agreements with merchants for importing and making of Saltpetre and Gunpowder; also, with the Armourers and Gun-makers, in and about London, for providing a sufficient quantity of those warlike stores. But their care in these things was soon interrupted by affairs of a different nature, which took up all the attention of the house of lords.

The Case of Digby Earl of Bristol.] Digby, earl of Bristol, so much concerned in the late Negotiations in Spain, about the Match, &c. on his return from thence, had been committed prisoner to the Tower. This earl had been also examined by a committee of lords, appointed by the king, touching those affairs; and certain propositions were made to him in order to his release, and composing the differences between the duke of Buckingham and him. On his refusal, in some measure, to comply with the terms, the lord Conway, secretary of state, wrote to him the following letter, and received his Answer to it.

The Lord Conway to the Earl of Bristol.

"My lord; I received a letter from your lordship, dated the 4th of this month, written in answer to a former letter which I directed to your lordship, by his majesty's commandment. This last letter, according to my duty, I have shewed unto his maj. who hath perused it, and hath commanded me to write back to you again, that he finds himself nothing satisfied therewith. The question propounded to your lordship, from his maj. was plain and clear, Whether you did rather chuse to sit still without being questioned for any errors passed in your Negotiations in Spain, and enjoy the benefit of the late gracious pardon granted in parliament, whereof you may have the benefit: or whether, for the clearing of your innocency, (whereof yourself, and your friends and followers, are so confident) you will be content to wave the advantage of that pardon, and put yourself into a legal way of examination for the trial thereof. His majesty's purpose thereby, is not to prevent you of any favours the law hath given you; but if your assurance be such as your words and letters import, he conceives it stands not with that public and resolute profession of your integrity to decline your trial. His maj. leaves the choice to yourself, and requires from you a direct answer, without circumlocution or bargaining with him for future favours before hand; but if you have a desire to make use of that pardon which cannot be denied you, nor is any way desired to be taken from you, his maj. expects you should at the least forbear to magnify your service, and, out of an opinion of your innocency, cast an aspersion upon his majesty's justice, in not affording you that present fulness of liberty and favour which cannot be drawn from him, but in his good time, and according to his good pleasure. Thus much I have in commandment to write to your lordship, and to require your answer clearly and plainly by this messenger, sent on purpose for it, and so remain,

Your lordship's humble servant,

Whitehall, March 24, 1626. "CONWAY."

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The Earl of Bristol to the Lord Conway.

"My lord; I have received your letter of the 24th of March, the 28th, and I am infinitely grieved to understand, that my former answer to yours of the 4th of March hath not satisfied his maj. which I will endeavour to do to the best of my understanding; and, to that end, shall answer to the particular points of your present letter with the greatest clearness I am able. First, Whereas you say in your letter, That the question propounded to me was plain and clear, viz. Whether I would chuse to sit still without being questioned for any errors passed in my negotiations in Spain, and enjoy the benefit of the late gracious pardon, whereof I may take the benefit? Or whether, being content to wave the advantage of that pardon, I should put myself into a legal way of examination for the trial thereof? &c. 1st, Your lordship may be pleased to remember your last proposition was, Whether I desired to rest in the security I was in? which you now express, Whether I will chuse to sit still? 2ndly, Your proposition was, Whether I would acknowledge the gracious favour of his maj. that now is, who had been pleased not to question my actions? When it is best known to your lordship, That, by a commission of the lords, I was questioned upon 20 Articles, divers involving felony and treason: although it be true, That when I had so answered (as I am confident their lordships would have cleared me) I was so unhappy as their lordships never met more about that business.—But now your proposition is, Whether I will now chuse to sit still without being further questioned for errors passed? Whereas before it was required I should acknowledge that I have not been questioned at all; which is a different thing. But conferring both your letters together, and gathering the sense and meaning, by making the latter an explanation of the former, which I could have wished your lordship would have more clearly explained, I return unto your lordship this plain and direct answer. That I understand, by the security I am in, and sitting still, and not being further questioned, that I am restored to the bare freedom and liberty of a subject and peer: for if a man be called in question by his maj. yet afterwards his maj. shall be pleased, out of his goodness, that he rest quiet and secure, and that he shall not be further questioned; I conceive that it is not apparent that his liberty naturally revolveth unto him, when by his majesty's grace he is pleased to declare he shall not be further questioned, but may live in further security. So that, understanding your letter in this sort, (for no direct answer can be made, until the sense of the question be truly stated) I do most humbly acknowledge and accept his maj.'s grace and favour, and shall not wave any thing that shall come to me by the pardon of the 21 Jac. nor by the pardon of his maj.'s coronation. And am so far from bargaining, as you are pleased to express it, for future favour (though I hope my humble and submissive courses of petitioning his maj. neither hath nor shall deserve so hard an expression) that I shall not presume so much as to press for any favour, until my dutiful and loyal behaviour may move his maj.'s royal and gracious heart thereunto; but receive, with all humbleness, this my freedom and liberty, the which I shall only make use of in such sort, as I shall judge may be most agreeable to his maj.'s pleasure.—As for the 2nd part of your letter, wherein you say, That if I desire to make use of that pardon, his maj. expects that I should at least forbear to magnify my services; or, out of an opinion of my own innocency, cast an aspersion upon his maj.'s justice; to this point I answer, That as I hope I shall never err in that sort of immodesty, of valuing my services, which I acknowledge to have been accompanied with infinite weakness and disabilities; so I trust it shall not displease, that I make use, to mine own comfort, and the honour of my posterity, of those many written testimonies, which my late most blessed master hath left me, of his gracious acceptance of my services for the space of 20 years: And likewise I hope the modest avowing of mine innocency will not be thought to cast any aspersion upon his majesty's honour or justice. I must freely confess unto your lordship, I am much afflicted to see inferences of this nature made, both in your lordship's last letter and in this. For if it shall be inferred, as a thing reflecting upon the king's honour, than a man questioned shall not endeavour to defend his own innocency before he be convicted, it will be impossible for any man to be safe; for the honour of his maj. is too sacred a thing for any subject, how innocent soever, to contest against. So likewise, God forbid that it should be brought into consequences, (as in your former letter) as a tax upon the government and justice of his late maj., and maj. that now is, that I should have suffered so long time, not being guilty. For as I never have been heard so much as to repine of injustice in their majesties, in all my sufferings, so I well know, that the long continuance of my troubles may well be attributed unto other causes, as to my own errors of passion, or other accidents; for your lordship may well remember, that my affairs were, almost two years since, upon the point of a happy accommodation, had it not been interrupted by the unfortunate mistaking of the speeches I used to Mr. Clark. I shall conclude by intreating your lordship's favour, that I may understand from you, as I hope for my comfort, that this letter hath given his maj. satisfaction; or if there should yet remain any scruple, that I may have a clear and plain signification of the king's pleasure; which I shall obey with all humility. Your Lordship's humble servant, BRISTOL."

After this the earl petitioned the house of lords, and shewed, "That he, being a peer of this realm, had not received a summons to parliament, and desired their lordships to mediate with the king, that he might enjoy the

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liberty of a subject and the privilege of his peerage, after almost two years restraint without being brought to a trial: and, if any charge was brought against him, he prayed that he might be tried by parliament." Upon the receipt of this petition, the lords referred it to the committee of privileges: from whom the earl of Hertford reported, "That it was necessary for their lordships humbly to beseech his maj. to send a writ of summons to the earl of Bristol; as also to such other lords whose writs are stopped, except such as are made uncapable to sit there by judgment of parliament, or some other legal course." Hereupon the duke of Buckingham signified to the house, That upon the earl's Petition to the king, his maj. had sent him his writ of summons; and, withal, shewed the lords a copy of a letter, wrote from the king to the said earl, dated Jan. 20, 1625, the tenor of which followeth:

"We have read your letter addressed unto us by Buckingham, and cannot but wonder that you should, through forgetfulness, make request to us of favour, as if you stood evenly capable of it, when you know what your behaviour in Spain deserved of us, which you are to examine by the observations we made, and know you well remember; how, at our first coming in Spain, taking upon you to be so wise, as to foresee our intention to change our religion, you were so far from dissuading us, that you offered your advice and secresy to concur in it: and, in many other conferences, pressing to shew how convenient it was to be a Roman Catholic, it being impossible, in your opinion, to do any great action otherwise; and how much wrong, disadvantage, and disservice you did to the Treaty, and to the right and interest of our dear brother and sister, and their children; what disadvantage, inconvenience, and hazard you intangled us in by your artifices, putting off and delaying our return home; the great estimation you made of that state, and the low price you set this kingdom at; still maintaining, that we, under colour of friendship to Spain, did what was in our power against them, which they said you very well knew: And, last of all, your approving of those conditions, that our nephew should be brought up in the emperor's court; to which sir Walter Aston then said, That he durst not give his consent for fear of his head: Your replying unto him, That without some such great action, neither marriage nor peace could be had."

There is no Answer to this Letter in the Journals; but, instead of it, we find another Petition from the earl, addressed to the lords, on his receiving his writ of summons; to which he annexed the Lord Keeper's Letter and his Answer, and desired to be heard in Accusation of the Duke.

The Humble Petition of John Earl of Bristol.

"Humbly shewing unto your lordships, That he hath lately received his writ of summons to parliament, for which he returned unto your lordships most humble thanks; but jointly with it, a Letter from my Lord Keeper, commanding him, in his maj.'s name, to forbear his personal attendance; and although he shall ever obey the least intimation of his maj.'s pleasure, yet he most humbly offereth unto your lordships wise considerations, as too high a point for him, how far this may trench upon the liberty and safety of the peers, and the authority of their letters patents, to be in this sort discharged by a letter missive of any subject, without the king's hand; and, for your lordships due information, he hath annexed a copy of the said Lord Keeper's Letter, and his Answer thereunto.—He further humbly petitioneth your lordships, That having been, for the space of two years, highly wronged in points of his liberty and of his honour, by many sinister aspersions which have been cast upon him, without being permitted to answer for himself; which hath been done by the power and industry of the duke of Buckingham, to keep him from the presence of his maj. and the parliament, lest he should discover many crimes concerning the said duke:—He therefore most humbly beseecheth, That he may be heard, both in the point of his Wrong, and of his Accusation of the said duke: Wherein he will make it appear, how infinitely the said duke hath abused their majesties, the state, and both the houses of parliament. And this, he is most confident, will not be denied, since the court of parliament never refuseth to hear the poorest subject seeking for redress of wrongs, nor the accusation against any, be he never so powerful. And herein he beseecheth your lordships to mediate to his maj. for your suppliant's coming to the house, in such sort as you shall think fitting; assuring his maj. that all he shall say, shall not only tend to the service of his maj. and the state, but highly to the honour of his maj.'s royal person, and of his princely virtues: and your suppliant shall ever pray for your lordships prosperity. BRISTOL."

The Lord Keeper to the Earl of Bristol; dated Dorset-court, March 31, 1626.

My very good lord; By his maj.'s commandment, I herewith send unto your ldp. your writ of summons for the parliament; but withal signify his maj.'s pleasure herein further, That howsoever he gives way to the awarding of the writ, yet his meaning is thereby not to discharge any former directions for restraint of your lordship's coming hither; but that you continue under the same restriction as you did before; so as your ldp.'s personal attendance here is to be forborn. And herein I doubt not but your ldp. will readily give his maj. satisfaction: And so I commend my service very heartily unto your ldp. and remain,

Your ldp.'s assured friend and servant,
THOMAS COVENTRY, C. S."

The Earl of Bristol's Answer to the Lord Keeper; dated Sherborn, April 12, 1626.

"May it please your lordship; I have re-

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ceived your lordship's letter of the 31st of March, and with it, his maj.'s writ of summons for the parliament. In the one his maj. commandeth me, that all excuses set aside, upon my faith and allegiance I fail not to come and attend his maj.; and this under the great seal of England. In the other, as in a letter missive, his maj.'s pleasure is intimated by your ldp. that my personal attendance should be forborn. I must crave leave ingenuously to confess unto your ldp. that I want judgment rightly to direct myself in this case; as likewise, that I am ignorant how far this may trench upon the privileges of the peers of this land, and upon mine and their safety hereafter: for if the writ be not obeyed, the law calleth it a misprision, and highly fineable, whereof we have had late examples; and a missive letter being avowed or not, it is to be doubted would not be adjudged a sufficient discharge against the great seal of England: on the other side, if the letter be not obeyed, a peer may, de facto, be committed upon a contempt in the interim, and the question cleared afterwards: so that in this case it is above mine abilities. I can only answer your ldp. that I will most exactly obey; and to the end I may understand which obedience will be, in all kinds, most suitable to my duty, I will presently repair to my private lodging at London, and there remain, until, in this and other causes, I shall have petitioned his maj. and understand his farther pleasure. For the second part of your lordship's letter, where your ldp. saith, 'That his majesty's meaning is not thereby to discharge any former directions for restraint of your lordship's coming hither, but that you continue under the same restriction as before; so that your lordship's personal attendance here is to be forborn.' I conceive your ldp. intendeth this touching my coming to parliament only; for as touching my coming to London, I never had at any time one word of prohibition, or colourable pretence of restraint; but, on the contrary, having his late majesty's express leave to come to London to follow my affairs, out of my respect to his maj. then prince, and to the duke of Buckingham, I forbore to come, until I might know whether my coming would not be disagreeable unto them. Whereunto his maj. was pleased to answer, both under the hand of the duke, and of Mr. secretary Conway, That he took my respect unto him herein in very good part, and would wish me to make use of the leave the king had given me. Since which time I never received any letter or message of restraint, only his maj. by his letter bearing date in June last, commandeth me to remain as I was in the time of the king his father; which was with liberty to come to London to follow my own affairs as I pleased, as will appear unto your ldp. if you will afford me so much favour as to peruse it. I have writ thus much unto your ldp. because I would not, through misunderstanding, fall into displeasure by my coming up, and to intreat your ldp. to inform his maj. thereof. And that my lord Conway, by whose warrant I was only restrained in the late king's time, of famous memory, may produce any one word, that may have such as any colourable pretence of debaring my coming up to London. I beseech your ldp. to pardon my desire to have things clearly understood; for the want of that formerly hath caused all my troubles; and when any thing is misinformed concerning me, I have little or no means to clear it; so that my chief labour is to avoid misunderstanding. I shall conclude with beseeching your ldp. to do me this favour, To let his maj. understand, that my coming up is only rightly to understand his pleasure, whereunto I shall, in all things, most dutifully and humbly conform myself. And so, with my humble service to your ldp. I recommended you to God's holy protection, and remain,

Your lordship's most humble servant,
BRISTOL."

April 21. The Lord Keeper delivered this Message from the King to the house of lords.

"That his majesty hath heard of a Petition preferred unto this house by the earl of Bristol, so void of duty and respect to his maj. that he hath great cause to punish him: That he hath also heard with what duty and respectfulness to his maj. their lordships have proceeded therein, which his maj. conceiveth to have been upon the knowledge they have that he hath been restrained for matters of state; and his maj. doth therefore give their lordships thanks for the same, and is resolved to put the cause upon the honour and justice of their lordships and this house. And thereupon his maj. commanded him (the lord keeper) to signify to their lordships his royal pleasure, That the earl of Bristol be sent for as a delinquent, to answer in this house his offences committed in his Negotiations before his majesty's being in Spain, his offences whilst he was in Spain, and his offences since his majesty's coming from Spain; his scandalizing the duke of Buckingham immediately, and his majesty by reflection, with whose privity, and by whose directions, the duke did guide his actions, and without which he did nothing. All which his maj. will cause to be charged against him before their lordships in this house."

The lords appointed a committee to attend the king, and to present their humble thanks to his majesty, for the trust and confidence he had placed in the honour and justice of their house.

During the recess of parliament the duke of Buckingham was taking great pains to ward off the blow intended against him by the commons, in which the king was his principal agent; but in vain, for that house was resolved to carry on the prosecution against him.

Resolution of the Commons against Dr. Montagu.] April 13. The two houses met again, pursuant to adjournment. And, on the 17th, Mr. Pym reported the Business concerning Dr. Montagu's Books, and the Opinion

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of the committee on these 3 cases: 1. "That Montagu had disturbed the peace of the Church, contrary to the doctrine thereof, published in the 39 Articles, in 1582, and to the Book of Homilies; confirmed by parliament. 2. That in these Books were divers matters tending to sedition, by setting the king against the people, and the people one against another. 3. That the whole scope of the Books were to discountenance the true profession of religion here established, and so to draw the people to Popery, and reconcile them to the Church of Rome. That the committee were fully of opinion, Montagu stood convicted of all the three heads of the charge; and that, as a public offender against the peace of the church, he should, by this house, be presented to the lords, there to receive punishment according to his demerits."—The further debate and resolution about this affair was deferred to another day, and the committee were ordered to deliver their opinions to the house what was best to be done, for preventing the danger which may happen by other books of this kind. Some days after it was agreed to petition his maj. on this last article, and the Answer returned was, "That the king did not slightly pass over the Message; but questioned whether that house had power to examine the doctrine, or no. He expressed his dislike to Dr. Montagu's writings, and said, he would refer the doctrine in them to the convocation-house; and would, for the future, take special care for the examination of all books, which should be printed, for avoiding any matter of sedition, &c."—But we shall leave this affair for the present, and proceed to much greater matters, which engrossed the attention of both lords and commons.

The Commons resolve to proceed against the D. of Buckingham.] April 20. The Commons resolved upon the question, "That setting all other business aside, they would proceed in the great Affair of the duke of Buckingham, morning and afternoon, till it was done. To the end that they might next proceed to the consideration of satisfaction to his majesty's Message about the Supply.

The Earl of Bristol charged with High Treason.] But whilst the Commons were busy in carrying on, what is called in their Journals, 'The Cause of Causes,' and finishing their Articles against the Duke, the lords were employed in the Trial of the earl of Bristol. May 1. The usher of the black rod brought the said earl to the bar, where he was ordered to kneel, because he was accused of High Treason: when the lord keeper acquainted him, "That the king had commanded his attorney general to charge his ldp. with High Treason, and other offences and misdemeanors of a very high nature, that they might proceed in a legal course against him, according to the justice and usual proceedings of parliament. Then the attorney general, sir Robert Heath, exhibited the following Articles, as a Charge against the said earl.—But when he had begun to read the said Charge, the earl interrupted him, and said, "That he had exhibited his Petition to the house, that he might come up and be heard in his Accusation against the duke of Buckingham; and that, thereupon, he, being a peer of this realm, was charged with High Treason. That he had heretofore informed the late king, of blessed memory, of the unfaithful service of the said duke; and thereupon the duke laboured that he might be clapped up in the Tower, presently after his return out of Spain: and called upon the lord chamberlain to testify whether the lord marquis Hamilton had not told him as much. That the duke had, since, laboured to keep him from this king's presence, and now he was charged with Treason.—That he had been often employed, as ambassador, in weighty affairs, and never came home tainted; and, at his last coming out of Spain, he laboured the late king James, that he might be heard before himself, and his maj. promised it. I pray God, (said the earl) that promise did him no hurt, for he died soon after. For the said king's promise, he vouched the lord chamberlain; and earnestly desired their lordships to take all these into their considerations; and to consider, also, that this house is already possessed of his said Petition and his Accusation of the said Duke; and required that their lordships would first receive his Charge against the lord Conway, and not to invalidate his testimony against them by the King's charge against him. He protested, that he spoke for the king; that he was a peer and a free man of the realm; and desired not to be impeached, until his Charge, which was of so high a nature, was first heard."—The earl then tendered to the house his Articles, in writing, against the lord Conway, which the lords received; and, being withdrawn, the Petition of the said earl presented to the house on the 19th of April, wherein he desired he might be heard in his Accusation against the duke, was read; and, after a long debate, it was agreed upon the question, That the king's Charge against the duke and against the lord Conway, should be presently read: all which were read by the attorney general, as follows:

"ARTICLES of several High Treasons, and other great and enormous Crimes, Offences, and Contempts, committed by John Earl of Bristol, against our late Sovereign Lord King James, of blessed memory, deceased, and our Sovereign Lord the King's Majesty, which now is; wherein the said Earl is charged, by his Majesty's Attorney General, on his Majesty's behalf, in the most High and Honourable Court of Parliament, before the King and his Lords there.

"OFFENCES done and committed by the Earl of Bristol, before his majesty's going into Spain when he was Prince.

I. "That the said earl being trusted and employed by the said late king as his ambassa-

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dor to Ferdinando, then and now emperor of Germany; to Philip IV. then and now king of Spain, in Annis 1621, 2, and 3. And having commission, and particular and special direction, to treat with the said emperor and the king of Spain, for the plenary restoring of such parts of the dominions, territories, and possessions of the count Palatine of the Rhine, who married the most excellent lady Elizabeth his now royal consort, the only daughter of the late king James; which were then wrongfully, and in hostile manner taken, and possessed with and by the armies of the said emperor, and king of Spain, or any other; and for preserving and keeping such other parts thereof, as were not then lost but were then in the protection of the said late king James; and to the use of the said count Palatine and his children: and for the restoring of the electoral dignity unto them: and also to treat with the said king of Spain, for a Marriage to be had between the most high and excellent prince Charles, then Prince of Wales, the only son and heir apparent of the said king James, and now our most sovereign lord, and the most illustrious lady Donna Maria the Infanta of Spain, sister to the now king of Spain: he the said earl, contrary to his duty and allegiance, and contrary to the trust and duty of an ambassador, at Madrid in the kingdom of Spain, to advance and further the designs of the said king of Spain against our said sovereign lord, his children, friends, and allies; falsely, wilfully, and traiterously, and as a traitor to our said late sovereign lord the king, by sundry letters and other messages sent by the said earl from Madrid, in the years aforesaid, unto king James and his ministers of state of England, did confidently and resolutely inform, advise, and assure the said late king, that the said emperor and king of Spain would really, fully, and effectually make restitution and plenary restoration to the said count Palatine and his children, of the said dominions, territories, and possessions of the said count Palatine, and of the said electorial dignity: and that the said king of Spain did really, fully, and effectually intend the said Marriage between the said lady his sister, and the said prince our now sovereign lord, according to articles formerly propounded between the said kings: whereas in truth, the said emperor and king of Spain, or either of them, never really intended such restitution as aforesaid: and whereas the said king of Spain never really intended the marriage according to those articles propounded; but the said emperor and the king of Spain intended only by those Treaties, to gain time to compass their own ends and purposes, to the detriment of this kingdom; of all which, the said earl of Bristol neither was nor could be ignorant; and the said late king James by entertaining those Treaties, and continuing them upon those false assurances, given unto him by the said earl, as aforesaid, was made secure, and lost the opportunity of time; and thereby the said dominions, territories, and possessions of the said count Palatine and the electoral dignity, became utterly lost; and some parts thereof were taken out of the actual possession of the said king James, unto whose protection and safe keeping they were put and committed by the said count Palatine; and the most excellent lady Elizabeth his wife, and their children, are now utterly dispossessed and bereaved thereof; to the high dishonour of our said late sovereign lord king James, to the disherison of the said late king's children and their posterity of their antient patrimony: and to the disanimating and discouraging of the rest of the princes of Germany, and other kings and princes in amity and league with his majesty."

II. "That the said earl of Bristol, being ambassador for his late maj. king James, as aforesaid, in the years aforesaid, and having received perfect, plain, and particular instructions and directions from his said late maj. that he should put the king of Spain to a speedy and punctual answer, touching the Treaties aforesaid: and the said earl well understanding the effect of those instructions and directions so given unto him, and taking precise knowledge thereof; and also knowing how much it concerned his late maj. in honour and safety (as his great affairs then stood) to put these Treaties to a speedy conclusion: yet nevertheless he the said earl, falsly, wilfully, and traiterously, contrary to his allegiance, and contrary to the trust and duty of an ambassador, continued those Treaties upon generalities, without effectual pressing the said king of Spain unto particular conclusions, according to his majesty's directions as aforesaid; and so the said earl intended to have continued the said Treaties upon generalities, and without reducing them to certainties and to direct conclusions, to the high dishonour of his said late maj. and to the extreme danger and detriment of his majesty's person, his crown and dominions, confederates and allies."

III. "That the said earl of Bristol, being ambassador for his said late majesty as aforesaid, in the years aforesaid, to the intent to discourage the said late king James from the taking up of arms, and entering into hostility with the said king of Spain, and for resisting him and his forces from attempting the invasion of his said late majesty's dominions, and the dominions of his said late maj.'s confederates, friends and allies; the said king of Spain having long thirsted after an universal monarchy in these western parts of the world: hath many times, both by words and letters to the said late king and his ministers, extolled and magnified the greatness and power of the said king of Spain; represented unto his said late maj the supposed dangers which would ensue unto him, if a war should happen between them; and affirmed and insinuated unto his said late maj. That if such a war should ensue, his said late maj. during the rest of his life, must expect neither to hunt nor hawk, nor eat his meat in quiet: whereby the said earl of Bristol did, cunningly and traiterously

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strive to retard the resolutions of the said late king to declare himself an enemy to the said king of Spain (who under colour of Treaties and Alliances, had so much abused him) and to resist his arms and forces; to the loss of opportunity of time, which cannot be recalled or regained, and to the extreme danger, dishonour, and detriment of this kingdom."

IV. "That the said Earl of Bristol, upon his dispatch out of this realm of England, on his ambassage aforesaid, had communication with divers persons of London, within this realm of England before his going into Spain, in and about his ambassage concerning the said Treaty; for the negociation whereof the said earl was purposely sent: and he the said earl being then told, that there was little probability that these Treaties would or could ever have any good success, he the said earl acknowledged as much; and yet, nevertheless, contrary to his duty and allegiance, and to the faith and trust of an ambassador, he the said earl said and affirmed, 'That he cared not what the success thereof would be; for he would take care to have his Instructions perfect, and pursue them punctually; and howsoever the business went, he would make his fortune thereby,' or used words at that time to such effect; whereby it plainly appeareth, That the said earl, from the beginning herein, intended not the service or honour of his late maj. but his own corrupt and sinister ends, and for his own advancement."

V. "That from the beginning of his Negotiation, and throughout the whole managing thereof by the said earl of Bristol, and during his said ambassage, he the said earl, contrary to his faith, and duty to God, the true Religion professed by the Church of England, and the peace of this Church and State, did intend and resolve, That if the said Marriage, so treated of as aforesaid, should by his ministry be effected, that thereby the Romish religion and professors thereof should be advanced within this realm, and other his maj.'s realms and dominions, and the true religion and professors thereof discouraged and discountenanced: and to that end and purpose, the said earl during the time aforesaid, by letters unto his late maj. and otherwise, often counselled and persuaded his said late maj. to set at liberty the Jesuits and Priests of the Romish religion: which, according to the good, religious, and politic laws of this kingdom, were imprisoned or restrained; and to grant and allow unto the Papists and Professors of the Romish religion free toleration, and silencing of all laws made, and standing in force, against them."

VI. "That by the false Informations and Intelligence of the said earl of Bristol, during the time aforesaid, unto his said late maj. and to his maj. that now is, being then prince, concerning the said Treaties, and by the assurances aforesaid given by the said earl; his said late maj. and the prince, his now maj. being put in hopes, and by the said long delay used, without producing any effect, their majesties being put into jealousies, and just suspicion that there was no such sincerity used towards them as they expected, though so many assurances from the earl on their part had been undertaken; the said prince, our now gracious sovereign, was inforced, out of his love to his country, to his allies, friends, and confederates, and to the peace of Christendom, who all suffered by such intolerable delay, to undertake in his own person, his long and dangerous journey into Spain; that thereby he might either speedily conclude those treaties, or perfectly discover that, on the emperor's and the king of Spain's part, there was no true and real intention to bring the same to conclusion, upon any fit and honourable terms and conditions: and did accordingly and speedily break them off. By which journey, the person of the said prince, being then heir apparent to the crown of this realm, and in his person, the peace and safety of this kingdom did undergo such apparent and such inevitable danger, as at the very remembrance thereof, the hearts of all good subjects do even tremble.

OFFENCES done and committed by the said Earl, during the Time of the Prince's being in Spain.

VII. "That at the Prince's coming into Spain, during the time aforesaid, the earl of Bristol, cunningly, falsely, and traiterously, moved and persuaded the prince, being then in the power of a foreign king of the Romish religion, to change his religion, which was done in this manner. At the prince's first coming to the said earl, he asked the prince for what he came thither; the prince, at first not conceiving the earl's meaning, answered, 'You know as well as I.' The earl replied, 'Sir, servants can never serve their masters industriously, although they do it faithfully, unless they know their meanings fully. Give me leave therefore to tell you what they say in the town is the cause of your coming, That you mean to change your religion, and to declare it here.' And yet, cunningly to disguise it, the earl added further; 'Sir, I do not speak this that I will persuade you to do it, or that I will promise you to follow your example, though you will do it; but, as your faithful servant, if you will trust me with so great a secret, I will endeavour to carry it the discreetest way I can.' The prince being moved at this unexpected motion again, said unto him, 'I wonder what you have ever found in me, that you should conceive I would be so base and unworthy, as for a wife to change my religion.' The said earl replying, 'He desired the prince to pardon him, if he had offended him, it was but out of his desire to serve him.' Which persuasions of the said earl were the more dangerous, because the more subtile; whereas it had been the duty of a faithful servant to God and his master, if he had found the prince staggering in his religion, to have prevented so great an error, and to have persuaded him against it, so to have avoided the dangerous consequence thereof, to

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the true religion, and to the state, if such a thing should have happened."

VIII. "That afterwards, during the Prince's being in Spain, the said earl having conference with the said prince about the Romish religion, he endeavoured, falsely and traiterously, to persuade the prince to change his religion, and to become a Romish-Catholick, and to become obedient to the usurped authority of the Pope of Rome: and, to that end and purpose, the said earl traiterously used these words unto the said prince,' That the state of England never did any great thing, but when they were under the obedience of the Pope of Rome, and that it was impossible they could do any thing of note otherwise."

IX. "That during the time of the Prince's being in Spain, the prince consulting and advising with the said earl and others, about a new Offer made by the king of Spain touching the Palatine's eldest son to marry with the emperor's daughter, but then he must be bred up in the emperor's court; the said earl delivered his opinion, That the proposition was reasonable; whereat, when sir Walter Aston, then present, falling into some passion, said, 'That he durst not for his head consent to it:' the earl of Bristol replied, That he saw no such great inconvenience in it; for that he might be bred up in the emperor's court in our religion. But when the extreme danger, and, in a manner, the impossibility thereof was pressed unto the said earl, he said again, "That without some great action, the peace of Christendom would never be had;" which was so dangerous, and so desperate a counsel, that one near the crown of England should be poisoned in his religion, and put into the power of a foreign prince and an unfriend to our state, that the consequences thereof, both for the present and future times, were infinitely dangerous; and yet hereunto did his dissaffection to our religion, and blindness in his judgement, misled by his sinister respects and the too much regard he had to the house of Austria, lead him."

OFFENCES done and committed by the said Earl, after the Prince's coming from Spain.

X. "That when the Prince had clearly found himself and his father deluded in these Treaties, and hereupon resolved to return from the court of Spain; yet, because it behoved him to part fairly, he left the powers of the desponsories with the earl of Bristol, to be delivered upon the return of the dispensation from Rome, which the king of Spain insisted upon; and without which, as he pretended, he would not conclude the Marriage. The prince foreseeing and fearing lest after the desponsories, the Infanta, that should then be his wife, might be put into a monastery, wrote a letter back to the said earl from Segovia; thereby commanding him not to make use of the said powers, until he could give him assurance, that a monastery should not rob him of his wife; which letter the said earl received, and with speed returned an answer thereto into England, persuading against this direction, yet promising obedience thereunto. Shortly after which, the prince sent another letter to the said earl into Spain, discharging him of his former command. But his late majesty, by the same messenger, sent him a more express direction, not to dispatch the desponsories, until a full conclusion were had of the other Treaty of the Palatinate, with this of the Marriage; for his maj. said, 'That he would not have one daughter to laugh, and leave the other daughter weeping.' In which dispatch, although there were some mistaking, yet in the next following, the same was corrected, and the earl of Bristol tied to the same restriction; which himself confessed in one of his dispatches afterwards, and promised to obey punctually the king's command therein; yet, nevertheless, contrary to his duty and allegiance, in another letter sent immediately after, he declared, 'That he had set a day for the desponsories,' but without any assurance, or so much as a treating of those things which were commanded to him as restrictions; and that so short a day, that if extraordinary diligence, with good success in the journey, had not concurred, the prince's hands might have been bound up; and yet he neither sure of a wife, nor any assurances given of the temporal articles. All which, in his high presumption, he adventured to do, being an express breach of his instructions; and, if the same had not been prevented by his late majesty's vigilancy, it might have turned to the infinite dishonour and prejudice of his maj."

XI. "Lastly, That he hath offended in a high and contemptuous manner, in preferring a scandalous Petition to this honourable house, to the dishonour of his maj. of blessed memory deceased, and of his sacred maj. that now is, which are no way sufferable in a subject towards his sovereign; and in one Article of that Petition specially, wherein he gives his now maj. the lie, in denying and offering to falsify that relation which his maj. affirmed, and thereunto added many things of his own remembrance to both houses of Parliament.

ROBERT HEATH."

ARTICLES of the Earl of Bristol, whereby he chargeth the Duke of Buckingham, bearing date the first day of May, 1626.

I. "That the duke of Buckingham did secretly combine and conspire with the conde of Gondomar, ambassador from the king of Spain, before his, the said ambassador's, last return into Spain, in the summer 1622, to carry his maj. (then Prince) into Spain, to the end he might be instructed in the Roman religion, and thereby have perverted the prince, and subverted the true religion established in England: From which misery this kingdom (next under God's mercy) hath, by the wise, religious, and constant carriage of his maj., been almost miraculously delivered, considering the many bold and subtile attempts of the said duke in that kind."

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II. "That Mr. Porter was made acquainted therewith, and sent into Spain; and such messages at his return framed, as might serve for a ground to set on foot this conspiracy; the which was done accordingly, and thereby the king and prince highly abused, and their consents thereby first gotten to the said journey; that is to say, after the return of the said Mr. Porter, which was about the end of Dec. or the beginning of Jan. 1622, whereas the said duke had plotted it many months before."

III. "That the said duke, at his arrival in Spain nourished the Spanish ministers, not only in the belief of his own being Popishly affected, but did (both by absenting himself from all exercises of religion constantly used in the earl of Bristol's house, and frequented by all other Protestant English, and by conforming himself to please the Spaniards in divers rites of their religion, even so far as to kneel and adore their sacrament) from time to time give the Spaniards hope of the Prince's conversion; the which conversion he endeavoured to procure by all means possible; and thereby caused the Spanish ministers to propound far worse conditions for religion, than had been formerly, by the earl of Bristol and sir Walter Aston, settled and signed under his maj.'s hand: with a clause in the king of Spain's Answer of Dec. 12, 1622, that they held the Articles agreed upon sufficient, and such as ought to induce the Pope to the granting of the dispensation."

IV. "That the D. of Buckingham having several times, in the presence of the earl of Bristol, moved and pressed his late maj. at the instance of the conde of Gondomar, to write a letter to the Pope; and to that purpose, having once brought a letter ready drawn, wherewith the earl of Bristol, by his maj. being made acquainted, he did so strongly oppose the writing of any such letter, that during the abode of the said earl of Bristol in England, the said duke could not obtain it; yet, not long after the earl was gone, he procured such a letter to be written from his said late maj. unto the Pope, and to have him stiled Sanctissime Pater."

V. "That the Pope, being informed of the duke of Buckingham's inclination and intention in point of religion, sent unto the said duke a particular bull in parchment, for to persuade and encourage him in the perversion of his maj. then prince."

VI. "That the said duke's behaviour in Spain was such, that he thereby so incensed the king of Spain and his ministers, as they would admit of no reconcilation, nor further dealing with him. Whereupon the said duke seeing that the Match would be now to his disadvantage, he endeavoured to break it, not for any service to the kingdom, nor dislike of the Match in itself, nor for that he found (as since he hath pretended) that the Spaniards did not really intend the said Match, but out of his particular ends and his indignation."

VII. "That after he intended to cross the Marriage, he put in practice divers undue courses; as namely, making use of the letters of his maj. (then prince) to his own ends, and not to what they were intended; as likewise concealing divers things of high importance from his late maj. and thereby overthrew his maj.'s purposes, and advanced his own ends."

VIII. "That the said duke, as he had with his skill and artifices formerly abused their majesties; so to the same end, he afterwards abused both houses of parliament by his sinister relation of the carriage of affairs, as shall be made appear almost in every particular that he spake unto the said houses."

IX. "As for scandal given by his personal behaviour, as also the employing of his power with the king of Spain for the procuring of favours and offices, which he bestowed upon base and unworthy persons for the recompence and hire of his lust: these things, as neither fit for the earl of Bristol to speak, nor indeed for the house to hear, he leaveth to your lordships wisdom, how far you will be pleased to have them examined; it having been, indeed, a great infamy and dishonour to this nation, that a person of the duke's great quality and employments, a privy-counsellor, an ambassador, eminent in his master's favour, and solely trusted with the person of the prince, should leave behind him, in a foreign court, so much scandal as he did by his ill behaviour."

X. "That the duke hath been, in great part, the cause of the ruin and misfortune of the prince Palatine and his estates, in as much as those affairs had relation unto this kingdom."

XI. "That the D. of Buckingham hath, in his relations to both houses of parliament, wronged the earl of Bristol, in point of his honour, by many sinister aspersions which he hath laid upon him, and in point of his liberty, by many undue courses through his power and practices."

XII. "That the earl of Bristol did reveal unto his late maj. both by word and letter, in what sort the said duke had disserved him and abused his trust: and that the king, by several ways, sent him word, 'That he should rest assured he would hear the said earl, but that he should leave it to him to take his own time:' And thereupon, a few days before his sickness, he sent the earl word, "That he would hear him against the said duke, as well as he had heard the said duke against him." Which the duke himself heard; and not long after his blessed maj. sickened and died, having been, in the interim, much vexed and pressed by the said duke. BRISTOL."

ARTICLES of the Earl of Bristol against the Lord Conway, bearing date May 1, 1626.

I. "That the lord Conway is so great a servant of the D. of Buckingham's, that he hath not stuck to send the earl of Bristol plain word, 'That if busines-es could not be accommodated betwixt him and the duke, he must then adhere and declare himself for the said duke;' and therefore is unfit to be a judge in any thing that concerneth the duke or the earl."

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II. "That the said lord Conway professeth himself to be a secretary of the D. of Buckingham's creation, and so acknowledgeth it under his own hand: and although he be the king's secretary of state, and a privy-counsellor, he usually beginneth his letters to the duke, Most gracious Patron."

III. "That as a creature of the said duke's, the said lord Conway hath been made the instrument of keeping the earl of Bristol from the king's presence, and of imprisoning of him by warrants under his own hand only; for which he cannot (as the earl conceiveth) produce any sufficient warrant."

IV. "That by the space of 12 months last past, the said lord Conway hath been the cause of the earl's restraint, only by misinforming his maj. and procuring a letter of restraint upon undue grounds: and when it was made apparent unto him, that the said earl was restored to his liberty, freely to follow his own affairs, by his late maj. of blessed memory: he replied, That that liberty given him by his maj. expired with the king's death."

V. "That the earl of Bristol's mother lying sick upon her death-bed, desired, for her comfort, to see her son, and to give him her last blessing: Whereupon the earl writ to the lord Conway, to desire him to move the king for his leave; which he putting off from day to day, told the person employed, 'That, by reason of the duke's sickness, he could not find opportunity to get the duke's leave to move the king; and, having spoken with the duke, he made a negative answer in the king's name.' Wherewith the earl acquainting the king by some of his bedchamber, his maj. was in very great anger, swearing the secretary had never moved him, and that to deny the said earl leave was a barbarous part; and thereupon sent him presently free leave, which the secretary hearing of, sent afterwards a letter of leave, but with divers clauses and limitations differing from the leave sent him from the king's own mouth."

VI. "That he having the businesses of the earl of Bristol in his own hands, and the earl being commanded by the king to address himself in his occasions unto his ldp. he would never deliver any message from the said earl, without first acquainting the said duke, and receiving his directions, and in a noble manner of freeness stuck not to send him word."

VII. "That the earl of Bristol having received from the lord Conway 20 Interrogatories in his late maj.'s name, drawn up by a commission of the lords appointed to search into the proceedings and employments of the said earl, in which search there was more than two months spent, divers of the said interrogatories involving felony and treason: and his maj. having been pleased to assure the said earl, both by message and letters, that, upon satisfaction given to himself and the commissioners by his answers, he would presently put an end to the earl of Bristol's business; the earl of Bristol having so fully answered as would admit of no reply; and that many of the commissioners declared themselves to be fully satisfied: the said lord Conway, (being the secretary in the commission, to whom it properly belonged to call the lords to assemble) perceiving the earl of Bristol was like to be cleared, never moved for any further meeting, neither have they ever been permitted to meet until this day; whereby the troubles of the earl of Bristol have been kept on foot till this present, and the said earl's imprisonment hath been encreased 20 months. And by the artifices of the said duke of Buckingham and the said lord Conway (as shall be made appear) the said earl hath been insensibly involved and stalked into the troubles he is now in, which he doubteth not but your lordships will judge to be a very considerable case."

VIII. "That for a colour of keeping the earl from his late maj's presence, it being pretended after the Answer to the 20 Interrogatories, that there were some few questions more to be added, whereunto when he should have answered, his maj. swore solemnly, that without any delay, he should be admitted to his presence, and that within 2 or 3 days he should have the said questions sent unto him; the lord Conway, notwithstanding he acknowledged under his hand, that he had received his maj.'s directions for the sending of the said Articles, and was often thereunto solicited on the behalf of the said earl, would never send the said questions; and at last answered, That he had no more to do with the earl's business."

IX. "That the earl of Bristol being set free by his late maj. to come to London, to follow his own affairs as he pleased, and thereupon having his writ of parliament sent unto him, without any letters of prohibition; yet the earl of Bristol, out of his great desire to conform all his actions to that which he should understand would best please his maj. sent to know, 'Whether his coming or stay would be most agreeable unto his maj.?' Who was pleased to answer by a letter from my lord duke of Buckingham, 'That he took in very good part the said earl's respect unto him: but wished him to make some excuse for the present:' The which accordingly he did, and moved, 'That he might have a letter under the king's hand, to warrant his absence;' but under colour of this letter of leave, upon the earl of Bristol's own motion and desire, the lord Conway sent a letter from his maj. absolutely forbidding his coming to parliament; and therein likewise was inserted a clause,' That the earl should remain restrained as he was in the time of his late maj. and so thereby a colour of restraint, under his maj.'s hand, was gotten, which could never be procured in his late maj.'s time; whereby the earl of Bristol hath been unduly restrained ever since, without being able to procure any redress, or to make the lord Conway willing to understand his case, although he sent him all the papers, whereby he might clearly see, that the earl was not under restraint in his late maj.'s time; but never other answer could be procu-

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red from him, but, 'That he judged the said earl to be under restraint, and that his liberty was expired by the late king's death, as is aforesaid."

X. "That the lord Conway, knowing that the Match for the marrying of the king of Bohemia's eldest son with the emperor's daughter, and being bred in the emperor's court, was allowed and propounded by his late maj.: and that his maj. by his letters to his son-in-law, declareth, 'That he thinketh it the fairest and clearest way for the accommodation of his affairs, and that he will take sufficient care of his breeding in true religion:' And notwithstanding that the said earl received a copy of the said letter by the said late king's order, with other papers, setting down all that had been done in the said business, and his maj.'s assent thereunto from the lord Conway himself; yet hath he suffered it to be charged as a crime against the earl of Bristol, both in the 20th Interrogatory and in his maj.'s last letter, that he should consent to the breeding of the young prince in the emperor's court. And, further in the Interrogatory, he alledged it as an aggravation against the said earl, That the breeding of the said prince in the emperor's court, referred to the perversion of his religion, when he knew that his said breeding was never thought nor spoken of by the king, nor any other, but with that express clause and condition, 'That he should be bred in his own religion, and have such tutors and servants as his father should appoint."

XI. "That the lord Conway hath been the cause of all the earl of Bristol's troubles, by his dubious and intrapping dispatches, and inferring, That the said earl hath failed in his directions, when it shall be made appear, that his dispatches contained no such directions as he hath alledged were given.' BRISTOL."

After the reading of these very different accusations, the house not being satisfied to commit the earl to the Tower, let him remain where he was before, with the gentleman usher; and further ordered, 'That the king's Charge against the earl of Bristol be first heard, and then the Charge of the said earl against the duke: yet so that the earl's testimony against the duke be not prevented, prejudiced, nor impeached.

The King's Message concerning the Earl of Bristol's Charge against the Duke.] May 2. The lord-keeper delivered a Message from the King to the lords: viz.

"That his majesty taketh notice of the Articles exhibited against the duke of Bucks by the earl of Bristol; and he observeth, That many of them are such, as himself is able to say more of his own knowledge than any man, for the duke's sincere carriage in them: that one of them, touching the Narrative made in parliament in the one-and-twentieth of king James, trencheth as far upon himself, as the duke; for that his maj. went as far as the duke in that declaration: and that all of them have been closed in the earl's own breast, now for these two years, contrary to his duty, if he had known any crime of that nature by the duke; and now he vents it by way of recrimination against the duke, whom he knows to be a principal witness to prove his majesty's Charge.—And therefore, That his maj. gave them thanks, that they gave no way to the earl of Bristol's unreasonable motion, of putting the duke under the same restraint that they had put the earl; thereby eschewing what the earl aimeth at, to alter their dutiful proceedings toward his maj. so often in this parliament expressed. That thereby they had made his maj. confident, that as they have, so they will put a difference between his majesty's Charge against one that appeareth as a delinquent, and the recrimination of the earl of Bristol against his majesty's witness; and not to equal them by a proceeding pari passu; nor to match the imprisonment of the one with the other, as the earl of Bristol desired; the ground being so different and unequal."

The Earl of Bristol's Defence.] May 6. The earl of Bristol was again brought to the bar of the house of lords, when the attorney-general read the foregoing Charge unto him. The earl, being permitted to speak for himself, first craved pardon of their lordships for his earnest speeches there the other day; confessing that he spake in a passion; saying, 'That an unexpected accusation of high-treason would warm any honest heart, and I like my heart never the worse for it; but he would hereafter mend that fault.' Then he rendered all their lordships most humble thanks for this manner of proceeding against him; and desired to know, from Mr. Attorney, Whether that was his whole Charge, or no?' Mr. Attorney answered, 'That he had commandment to open no more against him; perhaps, upon some incidents of his Answer, some other particulars may arise, and be urged; but no new matter should.' Then the earl desired to know and understand who was his Accuser? Mr. Attorney answered, 'The king himself, out of his own mouth, had given directions for the Charge against him, and corrected and added many things to it.' Then the earl made the following speech;

"I will not contest with the king, neither doth it beseem me so to do: neither esteem I my life or my fortunes so much as to save them by contesting with my sovereign; and therefore I would make no reply nor answer, were it not that my honour and religion were jointly questioned with my life; but they being to descend to my posterity, for their sake I am an humble suitor to his maj. that he would not take indignation at my own just defence; yet I will be ready to make any humble submission to his maj.; and I heartily desire that some means may be made, that I may make it personally unto himself, wherein I will submit myself most willingly to any act of humiliation and submission (not wronging my innocency) that ever subject did towards his sovereign: and I also desire that his maj. would be pleased

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to set himself here on his throne of justice, and declare, That out of his royal justice he leaves the duke of Buckingham and me upon equal terms; and that neither of our causes shall be advanced before the other. These my humble petitions, I beseech your lordships to present unto his maj. on my behalf; and withal, what a disservice it will be to his maj. hereafter, in embassages, if my accuser shall be my judge, his own witness, and have my confiscation.—As touching the Charge itself, I have once answered it all (except to that of my Petition) and I doubt not but to clear myself of every particular thereof. I expected not to have heard of these again. I expected a remonstrance of some practice with Spain, against the state; or to be charged with the receipt of 10 or 20,000 pounds, for the persuading and procuring the delivering up of some town, that the crown was in possession of, as might be the Brill or Flushing, or the like; or for being the means of the delivery of the king's ships to serve a foreign nation against those of our own religion; or for the revealing of his majesty's highest secrets, which none but two or three did know of; or for treating of the greatest affairs, as it were by my own authority, without formal instructions in the point; or as the law calls it, to have committed some overt act of disloyalty, and not to be charged, after seven embassages, with discouragements and inferences. I desire your lordships that I may have a copy of my Charge, in writing, and time for my Answer, and counsel assigned me.—There is a great difference between the duke of Buckingham and me. The duke is accused of treason, and yet at large, and in the king's favour; and I, being accused but of that which I had long since answered, am a prisoner; and, therefore, I beseech your lordships, that we may be put into equal condition. And, forasmuch as I have exhibited Articles against the lord Conway; I humbly desire that his ldp. may not meddle in this particular business, nor use the king's name against me, ex officio, as secretary of state; and that your lordships would be suitors unto his maj. on my behalf, that all the particular dispatches of my own embassages, and sir Walter Aston's, may be brought hither, and I to make use of them for my defence as my evidences.—And sithe his late maj. hath heretofore in the presence of many lords here present, affirmed, That I had neither committed treason nor felony in my late embassages, and permitted divers of his servants to come unto me; and his maj. that now is then said, That he thought me an honest man; and hath lately said, That my faults were little criminal, in the presence of divers of your lordships and others; and that the lord Conway did lately offer me to come to my trial, but he thought the coronation-pardon would free me; and yet now my offences are made high treason; and for that when I saw I could get no redress from his maj. by means of the duke of Buckingham, I did address my Petition unto this house concerning his (the duke's) cunning who hath made the king a party against me: and for my accusation of him I am made a traitor, and he a judge to vote against me. I do therefore humbly beseech your lordships to distinguish of this. And although I have been too tedious already, to suffer me to proceed and present my case unto you."—This being granted, he went on thus, "At the prince's coming out of Spain I was in favour with his highness, and with the late king also at his return into England. But I having acquainted the prince (at his being in Spain) with my letters which I wrote unto the late king, of the duke' unfaithful dealing, which letter his highness forbade me to send; and the duke, at his return, having got a sight of those letters (hinc ille lachrymæ) he laboured with the duke of Richmond and the marquis Hamilton, for my commitment to the Tower, so soon as I should return into England; and he moved the marquis to deal with my lord chamberlain for my commitment, though but for a time, until things were settled, lest my coming to the king should disturb all. I desire the lord chamberlain, who is here present, to deliver his knowledge herein.—Then the duke accused me in the parliament, of the prince's dangerous journey into Spain, which I will prove to have been plotted by the duke himself aforehand, with conde de Gondomar the Spanish ambassador. And I will also make it appear unto your lordships, that there are very many contrarieties in the duke's Relation to both houses. I hearing of this, and the many dangers threatened me, offered to come home presently, but my letters were answered that I might stay and come at leisure; yet I came with as much speed as conveniently I could, considering my long journey, and that I brought up my wife and family with me; and being at Calais with above 40,000 pounds worth of the king's jewels, I could not procure shipping from thence to pass me over, but was enforced to enter in a boat with six oars, I making haste to come before the parliament should end; and the duke using all the means he could to put off my coming until the parliament was ended.—At my coming to land a single letter was sent of some six lines, from the lord Conway, of his majesty's pleasure not to come to the court, but to remain in my own lodgings; being there I petitioned the king that I might answer in the parliament, and his maj. said that the parliament was so incensed against me, that it was not safe for me to be brought thither, but in a few days I should have an end of my troubles.—At last I had Articles sent me, by commissioners appointed to enquire of my proceedings, which Articles contained the substance of this Charge, and I fully answered them in writing; and the late king read them all, and was so well satisfied therewith, that he sent me word that he would see me; whereupon the duke of Buckingham desired his maj. that I might first answer some four other questions; which being delayed, and I petition-

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ing the king for them to be sent me, his maj. gave orders to have them presently sent; yet they came not; divers delays were sought, and at last the lord Conway wrote me a letter, that they were ready, but he thought it better I did accommodate the business.—Though I often solicited the lord Conway, yet his ldp. perceiving I should be cleared by the commissioners, would never send those questions, nor suffer the commissioners once to meet; and at last answered, He had no more to do with me.—Then the late king sent me a message, to write but a fair letter unto Buckingham for a reconciliation, and that I should leave the rest unto him; the duke hereupon sent one Mr. Clark unto me: What fair propositions I should make were these, only to retire into the country and not come to the court, but permit his grace to dispose of the vice-chamberlain's place. And I shewing Mr. Clark, by way of private conference, what papers I had to produce against the duke, his grace then required a retractation, which I denied; and so all reconcilement broke off. Afterwards the duke sent me a certain proposition in a letter, which I should acknowledge; and the preface of that proposition saith, 'It is not granted that the earl of Bristol hath by his Answer satisfied either the king, the prince, or me, of his innocency;' (a strange conjunction of a subject!) and the duke would not be satisfied with less than a direct acknowledgment.—Upon this I petitioned the late king, that I might be at liberty to follow my affairs freely, which his maj. condescended unto, and signified his pleasure by the duke, that he was satisfied, and that therefore I had my freedom: but when I had an intent to come to my lodging at Whitehall, and made the duke acquainted therewith, he seemed much displeased thereat, and moved his maj., that I might first make an acknowledgment of my fault, which his maj. refused to compel me unto; saying, He might then be thought a tyrant to force a man to acknowledge that which he was not guilty of. And his maj. sent me word, that I should make no acknowledgment unless I would freely confess myself guilty. Yet the duke caused a message to be sent me, that his maj. expected that I should make the acknowledgment and confess myself guilty. And thus it stood with me when the late king (my blessed master) sickened and died.—When his maj. that now is came to the crown, he was pleased to send me a gracious message upon the occasion of a great sickness I had, and my writ of parliament was freely sent me; but, out of respect, I desired to know what would best please the king, my coming or my stay from the parliament; and the duke of Buckingham did write unto me, that his maj. took that respect very well at my hands, but would have me excuse my coming; for which I craved a letter of licence from the parliament, instead whereof I received from the lord Conway a letter of prohibition, and restraint, and confinement, under the king's own hand, whereas before I was restrained only by the lord Conway.—After this I continued quiet almost a year in the country until the coronation, and then I wrote a most humble letter unto his maj. and to the D. of Buckingham: but received a letter from his maj. written in a great Roman hand, inclosed in one from the duke, so differing from those gracious messages his maj. had formerly sent me, and several professions he had made to my wife and others, that I knew not what judgment to make of the said letters; and divers copies of them were divulged abroad.—Then my writ of parliament being denied, I several times caused the lord keeper to be moved for it, but could procure no redress; and when I petitioned the house for my writ, the duke thereupon took occasion (to my great disgrace) to read the above specify'd letter in the open house; and a letter of prohibition was sent me (with my writ) to stay me from the parliament. (See p. 76.) Upon this I petitioned the house for redress against the duke of Buckingham's wrongs unto me, and accused him of divers crimes. And since the house was possessed of this my Petition I have been charged with treason, having been offered from his maj. but few days before, to rest in security, and not to be questioned: but I, thinking it fit for the clearing of mine honour, to have recourse unto this house, do find myself a restrained man, and the duke at liberty, sitting as one of my judges; which I hope your lordships will speedily redress. And I humbly desire your lordships to take my cause into your lordships consideration, having put myself wholly into your hands."

This being spoken by the earl of Bristol, he was withdrawn.—Then the lord chamberlain being required by the house to deliver his knowledge of that which the earl had vouched of him, he said, "The marquis Hamilton told me, in a speech which he the said marquis had with the duke of Buckingham, that the duke told him, that his niceness, the duke of Richmond's and mine, in not giving way to the earl of Bristol's commitment to the Tower, would prejudice the cause; for if he came to the king, he would put new hopes into his maj. whereby the breach of Treaties with Spain, touching the Marriage and the Palatinate, would be hindered."

The house having debated and agreed, how far to allow of the earl's requests, he was brought to the bar again, and the lord keeper signified unto him, That their lordships require him the said earl to put in writing the short heads of those Petitions, which he desires this house to present unto the king on his behalf, and of what else he will desire their lordships to be mediators for him to his maj.; which the earl promised to do on Monday next. The lord keeper further told him, "That the house had granted him a copy of the king's Charge against him, and that he should have counsel allowed him to plead his cause. And that he is to let their lordships know at what time he shall be ready to make his Answer." The earl desired to have time till this day se'nnight, for that many

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of his dispatches are in the country, which he would send for up in all speed.

Mr. Attorney signified to their lordships (being demanded from what time he would charge the said earl) that he had directions to charge him no further than with the dispatches of 1621, and downwards; whereupon the earl besought their lordships, that on Monday next he might signify when he may be ready to make his Answer, which being granted by the house, he rendered their lordships most humble and hearty thanks for their honourable proceedings; and so he was withdrawn."

May 8. The lord keeper delivered a Message from the King to this effect, viz. "Whereas the earl of Bristol hath made request unto the house for counsel to be allowed to plead his cause; his maj. understands that the not using of counsel for a defendant, in cases of treason and felony, is an antient and fundamental law of this kingdom: and therefore his maj. desires, That forasmuch as he hath committed this cause to the honour and justice of this house, that your lordships would proceed with all caution, that this antient and fundamental law may receive no prejudice or blemish.'

The Duke of Buckingham's Speech against the Earl of Bristol.] The duke of Buckingham moved the house, That the lord chamberlain might again declare his knowledge of that which the earl of Bristol had vouched him for. Whereupon the lord chamberlain, by command of the house, did again declare his knowledge therein, to the same effect he had on Saturday last; and the duke presently spake as followeth.

"My Lords; I can do no less on the behalf of this noble lord, of whom I will not leave it uncertain in your lordships opinions, that he hath alledged any thing of a friend that is dead, that he might not very well say; nor suffer my dead friend, who cannot answer for himself, to be thought that he had in the least kind broken the trust I reposed in him; but to acknowledge, on the behalf of them both, that I have often said unto him and others, (not under the seal of secrecy) That if the earl of Bristol have access unto his maj. with new hopes, he would go near to alter the resolution taken by advice of both houses. And I added thus much farther, (not out of any malice unto his person) That if the earl of Bristol had been my brother, considering his carriage in this business, I should have thought the Tower the fittest lodging for him."

The Earl of Bristol's Petition that the Duke and he may be put upon equal terms.] Then a Petition of the earl of Bristol was read, in hæc verba; viz.

"To the right hon. the lords of the higher house of Parliament.

"The humble Petition of John Earl of Bristol, Humbly sheweth unto your lordships, That whereas it appeareth by the title of the Charge exhibited against the earl of Bristol, in this hon. house, that the earl of Bristol is to answer before his maj. and the peers; and that his maj. is his judge, and by Mr. Attorney's confession, this Charge is by his maj.'s relation, and so he standeth by his maj. accused: And that several points of the said Charge are grounded only upon private conferences with his maj. so that his maj. by his testimony, becometh a witness: And in case the said earl should be convict, his confiscation cometh to the crown. For this regard and divers others, he humbly beseecheth your lordships to take into consideration of what consequence such a precedent may be; and therein most humbly to move his maj. for the declining, at least, of his maj.'s accusation and testimony, in such sort as you in your high wisdoms shall think fit; whereunto the said earl doth most willingly submit himself. And forasmuch as the said earl is so unhappy, as he understandeth, to have fallen into his maj.'s high displeasure, for which he is most heartily sorry; and the duke of Buckingham against whom he contesteth, standeth so eminent in his maj.'s favour, whereat the earl presumeth not in the least measure to repine; but holdeth most just, that his maj. should, according to his affectionate and good pleasure of his own royal heart, favour, prefer, or make difference of persons, in all points of grace and favour, and mediation. Yet in a case of justice, wherein two peers of the realm; two that have been privy-counsellors, and ambassadors employed in the same affairs, and thereupon do now contest in point of honour and their loyalty. He most humbly beseecheth your lordships to be intercessors unto his maj. that their causes may, by his maj. be equally referred to the justice of this honourable house, and their persons remain in equal condition. Further, he humbly beseecheth your lordships, so far to favour him as to present unto his maj. the true sorrow and grief of his heart, for having ever offended his maj. and to make offer unto his maj. on the said earl's behalf, of all the acts of humiliation and submission (not tending to the wronging of his innocency) that ever subject made unto his sovereign; and that your lordships would be earnest mediators herein, for him, to his maj. That your lordships would be pleased to move his maj. to give leave that all the dispatches concerning the Negotiations of the years 1621, 2, and 3, may be brought into this high court, and that he may make use of them as his evidence. That his maj. may be moved that my lord Conway may not use his maj.'s name, ex officio, in any thing that may concern the earl of Bristol or his Cause. And he shall pray, &c. BRISTOL."

Unto this Petition was also annexed as follows, viz. "The Names of such Counsel as the earl of Bristol humbly desireth may be assigned to him; Mr. Serj. Hedley, Mr. Serj. Bramston, Mr. Serj. Crawley, Mr. Anthony Lowe.—The Earl of Bristol, concerning the time of putting in his Answer, saith, That though the Charge looketh no further back than 1621, yet the inferences thereof are drawn from his dispatches of far antienter date, so that he is constrained to send post for some of them to his house in

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the country, which he hath done; and therefore desired the space of 8 days, assuring your lordships, that if in shorter time (as he nothing doubteth) he shall be able to finish it, he will presently advertise your lordships thereof. The said earl further prayeth, That being in custody of Mr. Maxwell, gentleman usher of this house, and there being many things that in the interim may happen wherein he may need your lordships further order, that your lordships would be pleased now to order, that Mr. Maxwell may present unto your lordships such further petitions or requests, on the behalf of the said earl, as he shall have occasion to prefer unto your lordships. BRISTOL."

Hereupon it was ordered, That Mr. Maxwell may present unto the house any Petition which the earl shall have occasion to make hereafter. Then the house was put into a committee, that their lordships might the more freely debate the contents of this Petition; and the petitions were read in parts, and each part considered of by itself; but before any conclusion was had thereof, a Message came from the commons, whereupon their lordships proceeded no further herein at this time, and the house was resumed.

The Commons desire a Conference.] Message from the commons, by Mr. vice-chamberlain and others, "That the commons desire a conference between a committee of both houses, if it shall so please their lordships, and at such time after this morning as their lordships shall appoint." *Answer.* "A committee of this whole house will meet a committee of the whole house of commons at 2 this afternoon, in the Painted Chamber, to receive what shall be propounded to their lordships." The messengers being departed, the house appointed these lords to report what the commons should propound at this committee, viz. The Lord President; the Lord Chamberlain; the earls of Dorset, Bridgwater, Devonshire, Clare; lord vise. Say and Seale; lord bp. of Norwich. And it was agreed, that these 8 lords should have the first and most convenient places at this committee.—We shall now go back a little, in order to take a view of the duke of Buckingham's Affair in the house of commons.

The Commons give the D. of Buckingham Notice of their Charge against him.] April 22. The commons had perfected their Charge against the duke, and sent him notice of it by sir John Hippesley and Mr. Giffard, two of their members. The heads of it, from the clerk's books, they were allowed to deliver to him, verbatim, but to leave no notes of them with him. His Answer was also required in two days time, before them, if he pleased.

The Duke's Answer.] April 24. The gentlemen, sent to the duke, made this report to the house, "That they had acquainted the duke with the Message, who told them he could not give Answer to it, till he had informed the lords about it. That this forenoon having asked leave of the lords, they would by no means consent to it. However, he dictated some Answer to them, which being put into writing was read to the house, as follows:

"That he should, with great care, make all due acknowledgment of your respect and favours in giving him this notice; which though it do invite him to render unto you such a satisfaction that, he hopes, may acquit and restore him to your good opinion, and might prevent your proceedings, which otherwise by a parliamentary course are like to follow: yet according to his duty, he moved the lords of the upper house, upon your notice given him, who would by no means, as things now stand, give him leave to answer, in regard he is not ignorant you are presently to enter into consideration of his maj.'s Message; and that by a delay therein your own purposes will be in some sort disappointed, and the affairs of Christendom much prejudiced; but for that, upon a resolution, you have deferred and respited that service until those things depending against him be first determined, he, out of fear that his necessary defence would spin out a great deal of time, which is more precious, is the willinger to obey their lordships; that so he might hasten, without obstacle or interruption given unto him, to keep day with his maj.; and this he doth, as he conceives, to his own infinite prejudice, knowing how grievous it is to be transmitted as a grievance by the voice of this house; but he doth profess he will rather hazard the safety of his fortune, reputation and himself, than to be the least occasion of any thing that may work disaffection or misunderstanding between the king and his people: and it is his protestation, that whatsoever interpretation is made of his actions, his endeavours shall be, as long as he hath any favour with his gracious master, to take opportunity of doing good offices to this house, and of rendering all that he can be able for the safety of the state, and the general good of the common-wealth. And this he saith you may the easier believe, because his maj. can witness that he hazarded in his father's time the loss of the best affection of the best of masters to obtain for them their desire. In this zeal he was desirous to have appeared unto you ever since the beginning of this parliament, and in this zeal he doth now present himself unto you. But to return to the main point, he, lest we should be mistaken, gave us occasion, in plain words, to remember you, that it is not he that doth refuse to answer, but the lords commanded him not to answer; which he the chearfullier obeyed, in respect of his fidelity to prefer the universal weal before his own particular; and, in the mean time, he desireth the charitable opinion of this noble house, until he be convinced that he shall appear not worthy of it, which his own innocency maketh him confident that he shall not."

Notwithstanding this complaisant Message of the duke's, the house proceeded to several resolutions and votes against his administration.

Motion for a further Supply.] April 25.

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The commons went upon the Supply, according to an order made for that purpose. It was first moved for by sir Benj. Rudyard, who also desired the house to take into their consideration the fall of Subsidies. That other rents, since the 1st of Eliz. had been generally improved; but the king's had wasted, except what is paid by the nobility and clergy. That one great cause of this fall, was the multiplicity of commissioners, who are the assessors of themselves; with certificates, &c. He moved that a search might be made into former schedules of Subsidies; and that the 4s. a pound rate on lands, and the number of subsidies, may be increased by this grant. Lastly, That some forts might be erected, and some ships maintained, for the defence of the kingdom, &c. at the country's charge. This motion was seconded by sir Geo. Moore, who said, That to help the decrease of Subsidies, they ought to give one Subsidy and one Fifteenth more, payable after the three now agreed on were come in.—On another motion, a grand committee was appointed to go upon his immediately; but what was done at it is not now mentioned in the Journals. A bill for a grant of Tonnage and Poundage was also preparing by the house; and a Remonstrance to the king ordered to be drawn up concerning his taking those duties without grant of parliament.—Some days after, the addition of a fourth Subsidy, to what was already voted, was agreed unto by the house, to be rated and paid after the usual manner, the last day of July come twelvemonth. When the account of the whole grant was signified to the king, he said, "That he accepted it in very good part, but desired such speed might be used in it that it might do him good."

A further Charge against the D. of Buckingham.] April 27. A new matter was started against the duke of Buckingham, concerning a plaister and a posset given to the late king James, in his last sickness. Mr. Glanvile made the report of it from the committee of examinations into the duke's conduct; and said, That the sworn physicians had testified before them, that they had agreed upon certain directions in the king's sickness, particularly that he should have neither meat nor drink for some hours before his fit. That upon this and other matters, the committee were of opinion this should be annexed to the duke's Charge, as a transcendent presumption of dangerous consequence. On this a debate arose, and the house divided on the question, Whether the grand committee of the whole house should now sit, to take consideration of this business? And it was carried in the affirmative, by 191 against 150.

April 28. Mr. Wandesford reported from the grand committee, concerning the duke of Buckingham, a general agreement amongst all the king's sworn physicians, that nothing should be administered to the king without the joint consent of them all, &c. Upon question, it was resolved, '1. That a plaister was applied, and a drink given, to the late king, in the time of his last sickness, without the advice of his sworn physicians, and not made by his sworn apothecaries or surgeons, contrary to the general directions of the physicians, and after being particularly disliked by them. 2. That the application of the plaister and giving of the drink to the late king, as agreed upon in the last question, was an act of transcendent presumption, and of dangerous consequence. 3. That this drink was given to the late king by the duke, and the plaister applied to him by the duke's direction. 4. That this shall be annexed to the rest of the duke's Charge."

April 29th. The king sent a message to the house, by the chancellor of the exchequer, intimating, 'That he having given way to their enquiries about the duke of Buckingham; and hearing there is new matter intended to be brought in; in respect of the season of the year, and the affairs of state, desireth the house will avoid loss of time therein; and leaveth them to their own way, either by presenting the complaint to himself or to the lords.' Thanks was ordered to be returned, by the said chancellor and others, to the king for his gracious Message.

Eight Managers appointed to conduct the Impeachment of the D. of Buckingham.] The commons having now entirely finished all their Articles against the duke, and agreed upon the members who should defend each of them; on the 8th of May they sent a message to the lords, desiring a conference with them concerning the Impeachment and Accusation of a great peer of that house, with as much convenient speed as their occasions would permit. Accordingly, at the time appointed, the commons went up with their Impeachment, which was to be managed by 8 of their members, and 16 others as assistants to them. The names of the eight chief managers were, sir Dudley Diggs, Mr. Herbert, Mr. Selden, Mr. Glanvile, Mr. Whitby, Mr. Pym, Mr. Wandesford, and sir John Elliot.—The next day, upon a question, 'That the house do move the lords, that the duke of Buckingham may be committed to prison,' the house divided, Ayes 225; Noes 106. The Commons Journals inform us, That the Noes would have yielded; but the Yeas would not accept it, desiring to be numbered. A committee of 20 members was also nominated to consider of the manner how the commitment should be prayed,

May 9. The duke of Buckingham moved the lords, "That forasmuch as the business, which the committee of the commons had begun the day before to declare unto a committee of this house, was not then finished, that their lordships would give them a speedy meeting again this morning concerning the same." This motion was agreed to, and a message was sent to the commons accordingly. To which this answer was returned: "That at the meeting of both houses yesterday, the committee of the commons did impeach a great lord of divers crimes and misdemeanors, which could not

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then be finished for want of time; and the gentleman who was appointed to proceed in the next part of the charge, is so visited with sickness, that the commons are enforced to make use of one of his assistants. Therefore they desired that their lordships would appoint any time they pleased, for the next meeting, after this morning." Answer, "The lords do appoint 8 o'clock the next morning, in the former place for the purpose; and then either the aforesaid gentleman may be recovered, or his assistant better provided to perform the same."

Questions proposed to the Judges relating to the E. of Bristol.] The same day the lord keeper put the house in mind of the earl of Bristol's last Petition to them, appointed to be heard as to day? when, the Judges being sent for, the following Questions were agreed upon to be put to them and left to their considerations. 1. "Whether, in case of treason or felony, the king's testimony was to be admitted or not." 2. "Whether words spoken to the prince, who is after king, makes any alteration in this case?" The Judges were ordered to deliver their opinions herein on the 13th inst.

The King takes Offence at the Managers Behaviour, and commits two of them to the Tower.] May 11. Early in the morning, the king came to the house of lords, and, being seated on the throne, made the following speech to them:

"My Lords; The cause, and only cause of my coming to you this day, is to express the sense I have of all your honours; for he that toucheth any of you, toucheth me in a very great measure. I have thought fit to take order for punishing some insolent speeches spoken to you yesterday, by way of digression. I have been too remiss heretofore in punishing such speeches as concern myself; not that I was greedy of their monies, but for that Buckingham, through his importunity, would not suffer me to take notice of them, lest he might be thought to have set me on, and that he might come the forwarder to his trial to approve his innocency. For as touching the occasions against him, I myself can be a witness to clear him in every one of them. I speak not this to take any thing out of your hands; but to shew the reason why I have not hitherto punished those insolent speeches against myself. And now I hope ye will be as tender of my honour, when time shall serve, as I have been sensible of yours."—After which his maj. departed. The king's coming to the house and making this speech, was occasioned by the behaviour of two of the Managers for the Commons against the duke; who, in their speeches had let fall some expressions, as was reported, that were highly resented by his majesty; and he had, accordingly, committed them both to the Tower. The consequence of which will fall better in another place.

The Commons desire the D. of Buckingham may be committed to safe Custody.] The same day a Message came from the commons, brought by sir Nath. Rich and others, which was to this purport:—"The knights, citizens, and burgesses of the commons house of parliament, taking into their serious consideration the main mischiefs and inconveniences which this renowned kingdom doth now suffer, threatening apparent danger to the king and commonwealth, have by search and inquisition into the causes thereof, found that they do principally flow from the exorbitant power and abusive carriage of the duke of Buckingham; whereof he hath in this parliament been impeached before their lordships by the commons, besides an accusation of a peer in their own house, who hath charged him (as they are informed) of high treason: They therefore with one voice make an entire declaration, That they hold it a thing of dangerous consequence both for the present and future times, that a man of so great eminence, power, and authority, being impeached and accused of such high crimes and offences, should yet enjoy his liberty, hold so great a part of the strength of the kingdom in his hands, sit as a peer in parliament, and be acquainted with the counsels thereof, whereby inevitable mischief may suddenly fall upon the kingdom. Wherefore they have thought it their duty to recommend this their unanimous desire to their lordships, as agreeable to law and reason, That they would be pleased forthwith to commit the person of the said duke to safe custody."

The D. of Buckingham's Defence.] The reply the lords made to the messengers was, That they would take their message into consideration, and return an Answer to it in convenient time. And, after the commons were withdrawn, the duke of Buckingham got up and spake as follows:

"My Lords; If I hold my peace, it will argue guilt, and if I should speak, it may argue boldness; being so foully accused. Your lordships see what complaints are made against me, by the house of commons; how well I stood in their opinions, not long since, your lordships know; and, what I have done since to lose their good opinion, I protest, I know not.—I cannot so distrust my own innocency and heart, which abhors guilt, as to offer to decline any course or court of justice; and, had they not brought my cause to your lordships, I so much trust in the justice and equity of this house, that it should have been my work to have done it. So as in this, only, they have done me a favour, to deliver me out of their hands into your lordships.—And now, my lords, whilst I protest mine innocency, I do not justify myself from all errors, as if I was an angel amongst men; I know, very well, that offices and places of high trust and eminence, may be discharged by men whose abilities are better than the best of mine, and still the management of them may lay open to exceptions.—The king and the state shall have few to serve them, if for their favour, if for their reward of service, if for every particular that may happen in the success of things, or for doing things better than some

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could wish, for refusing to do all they wish, they shall be given up, in the time of their master's wants, for a grievance, or a sacrifice. But, for this I shall confidently speak, from such crimes as truly deserve punishment from the state, I hope I shall ever prove myself free, either in intention or act. My lords, I speak not this arrogantly; nor will I speak any thing else to cast dirt at those who have taken pains to make me so foul; but, to protest mine innocency, in that measure, which I shall ever hope to prove, nay, am confident of, being before such just judges.—I humbly beseech your lordships to be sensible of me in this point, what dishonour I have sustained, not only at home but abroad; wherefore, I humbly desire your lordships to hasten my trial, as soon as may be, that I may no longer suffer than I must needs; and yet I further desire of your lordships that no such precipitation may be used, as may disadvantage or may prejudice my cause.—And here, my lords, I had a purpose to offer unto your lordships my voluntary absence from this place, even now in the beginning of the handling of my cause; as your lordships may perceive in part, by my former carriage towards the earl of Bristol. For, doubting lest my presence might any way disturb him and put him into passion, or any other way disadvantage him in his cause, I did voluntarily, as your lordships saw, absent myself. But, now that my accusers have, not only, been content to make my process, but to prescribe to your lordships the manner of my judgment, and to judge me before I am heard; I shall not give way, in my own particular, to any of their unjust demands; but yet, I do submit myself in this, and in all things else, to your lordships consideration."

The lords took no further notice of the message that day; and only ordered that the eight lords, appointed to report what was delivered by the commons, against the duke, at the conference, should do it fully and entirely. And, to that end, if they pleased, they were to read the same out of their notes; and it was further agreed that each lord is and ought to report all to the house, not to qualify the same in any part; and that nothing, so spoken and delivered, should be imputed to the reporter. Also, that they might help their memories with the gentlemen of the house of commons, who spoke at that conference.

The Judges forbid by the King to give their Opinions in the Earl of Bristol's Case.] May 13. An order of the house was read, concerning the Judges Opinions, on the two Questions in the earl of Bristol's Case before-mentioned; whereupon they were called on for that purpose. When the Lord Chief Justice said:

"May it please your lordships; According to your commands, we appointed a time to have taken into our consideration the two Questions propounded by your lordships, 1st, 'Whether in case of treason and of felony the king's testimony is to be admitted?' 2ndly, 'Whether words spoken to the prince, being afterwards king, made any difference in the case?' But, before our meeting, Mr. Attorney General, to whom it belongs, according to the duty of his place, to have an eye of care and vigilancy in cases concerning the king, desired to know the time of our meeting, and we told him accordingly. But, before that time, he brought unto us a message from the king, signifying his pleasure to this effect: That his maj. was resolved, in this and all other causes, to proceed justly and with that moderation as became a just and gracious king. And that his maj. was so sensible of his honour, that he would not suffer the right of his crown, which may justly be preserved, to be diminished in his time. Therefore, his maj.'s pleasure was, That in any particular case or question, which may arise in the Cause of the earl of Bristol, and wherein the lords desired our opinions, that, upon mature deliberation, we should deliver the same according to our consciences. His maj. assuring himself, that in all things we will deliver ourselves, with that justice and evenness, between the king and his people, as shall be worthy of our places. That to these general Questions, of which his maj. could not discern the consequence which might happen to the prejudice of his crown, each particular case varying according to circumstances, so as it was very hard and dangerous to give a general rule, according to the latitude of those Questions; his maj.'s pleasure was, therefore, that we should forbear to give an answer thereto."

The Report of the Charge against the Duke of Buckingham.] The house next proceeded to hear the Report of the duke of Buckingham's Charge, which was to be made this day by the 8 lords appointed for that purpose. The several Speeches made by the Managers of the house of commons in enforcing the Charges against the duke, are preserved in the lords journals. From their extreme length we are under the necessity of omitting them, and must content ourselves with preserving the Articles of Impeachment, which were as follow:—

ARTICLES OF IMPEACHMENT EXHIBITED BY THE COMMONS AGAINST THE DUKE OF BUCKINGHAM.

"For the speedy redress of great evils and mischiefs, and of the chief cause of these evils and mischiefs, which this kingdom of England now grievously suffereth, and of late years hath suffered; and to the honour and safety of our sovereign lord the king, and of his crown and dignity; and to the good and welfare of his people: The commons in this present parliament, by the authority of our said sovereign lord the king, assembled, do, by this their bill, shew and declare against George, duke, marquis, and earl of Buckingham, earl of Coventry, visc. Villiers, baron of Whaddon; great admiral of the kingdoms of England and Ireland, and of the principality of Wales, and of the dominions and islands of the same, of the town of Calais and of the Marches of the same, and of Nor-

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mandy, Gascoign, and Guienne; general governor of the seas and ships of the said kingdoms; lieut. general, admiral, capt. general and governor of his maj.'s royal fleet and army lately set forth; master of the horse of our sovereign lord the king; lord warden, chancellor, and admiral of the Cinque-Ports, and of the members thereof; constable of Dover Castle; justice in Eyre of the Forests and Chaces on this side the river Trent; constable of the castle of Windsor; gentleman of his maj.'s bed chamber: one of his maj.'s most hon. privy-council in his realms both in England, Scotland, and Ireland; and Knight of the most noble Order of the Garter; the misdemeanors, misprisions, offences, crimes, and other matters, comprised in the Articles following; and him the said duke do accuse and impeach of the said misdemeanors, misprisions, offences and crimes."

Plurality of Offices.

"I. That whereas the great offices expressed in the said duke's stile and title, heretofore have been the singular preferments of several persons, eminent in wisdom and trust, and fully able for the weighty service, and greatest employments of the state; whereby the said offices were both carefully and sufficiently executed by several persons, of such wisdom, trust, and ability: and others also, that were employed by the royal progenitors of our sovereign lord the king in places of less dignity, were much encouraged with the hopes of advancement. And whereas divers of the said places, severally of themselves, and necessarily, require the whole care, industry, and attendance of a most provident, and most able person: He the said duke, being young and unexperienced, hath, of late years, with exorbitant ambition, and for his own profit and advantage, procured and ingrossed into his own hands the said several offices; both to the danger of the state, the prejudice of that service which should have been performed in them, and to the great discouragement of others; who, by this procuring and ingrossing of the said offices, are precluded from such hopes, as their virtues, abilities, and public employments might otherwise have given them."

Buying the Admiral's Place.

"II. Whereas, by the laws and statutes of this kingdom of England, if any person whatsoever, give or pay any sum of money, fee, or reward, directly or indirectly, for any office or offices, which in any wise touch or concern the administration or execution of justice, or the keeping of any of the king's maj.'s towns, castles, or fortresses, being used, occupied, or appointed for places of strength and defence: the same person is immediately, upon the same fee, money, or reward given, or paid, to be adjudged a disabled person in law, to all intents and purposes, to have, occupy, or enjoy the said office or offices, for the which he so giveth or payeth any sum of money, fee, or reward: yet he the said duke did, in or about the month of Jan. in the 16th year of the late king James of famous memory, give and pay to the right hon. Charles, then earl of Nottingham, for the office of great admiral of England and Ireland, and the principality of Wales, and for the office of general governor of the seas and ships of the said kingdoms, and for the surrender of the said offices, then made to the said king by the said earl of Nottingham, being then great admiral of the said kingdoms and principality of Wales, and general governor of the seas and ships; to the intent the said duke might obtain the said offices to his own use, the sum of 3000*l.* of lawful money of England: and did also about the same time procure from the said king a further reward, for the surrender of the said office to the said earl, of an annuity of 1000*l.* per ann. for and during the life of the said earl; and by the procurement of the said duke, the late king, of famous memory, did, by his letters patents, dated the 27th of Jan. in the said 16th year of his reign, under the great seal of England, grant to the said earl the said annuity; which he, the said earl, accordingly had and enjoyed, during his life, and by reason of the said sum of money so as aforesaid paid by the said duke. And on this the said duke's procurement of the said annuity, the said earl of Nottingham did, in the same month, surrender unto the said late king his said offices, and his patents of them; and thereupon, and by reason of the premises, the said offices were obtained by the duke for his life, from the said king, of famous memory, by letters patents made to the said duke, of the same offices, under the great seal of England, dated the 28th of Jan. in the said 16th year of the said late king. And the said offices of great admiral and governor, as aforesaid, are offices that highly touch and concern the administration and execution of justice, within the provision of the said laws and statutes of this kingdom; which notwithstanding, the said duke hath unlawfully, ever since the first unlawful obtaining of the said grant of the said offices, retained them in his hands, and exercised them against the laws and statutes aforesaid."

Buying the Wardenship of the Cinque Ports.

"III. The said duke did likewise, in or about the beginning of the month of Dec. in the 22nd year of the said late king James, of famous memory, give and pay to the right hon. Edward, late lord Zouch, lord warden of the cinque-ports and of the members thereof, and constable of the castle of Dover, for the said offices, and for the surrender of the said offices of lord warden of the cinque-ports, and constable of the said castle of Dover, to be made to the said late king of famous memory, the sum of 1000*l.* of lawful money of England; and then also granted an annuity of 500*l.* per ann. to the said lord Zouch, for the life of the said lord Zouch; to the intent that he the said duke might thereby obtain the said offices to his own use. And for and by reason of the said sum of money, so paid by the said duke, and of the said annuity so granted to the said lord Zouch,

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he the said lord Zouch, on the 4th of Dec. in the year aforesaid, did surrender his said office, and his letters patent of them, to the said late king: and thereupon, and by reason of the premises, he the said duke obtained the said offices for his life, of the said late king, by his letters patents under the great seal of England, dated the 6th of Dec. in the aforesaid year. And the said office of lord warden of the cinque-ports, and of the members thereof, is an office that doth highly touch and concern administration and execution of justice; and the said office of constable of the castle of Dover, is an office that highly concerneth the keeping and defence of the town and port, and of the said castle of Dover, which is, and hath ever been esteemed for a most eminent place of strength and defence of this kingdom; the which notwithstanding, the said duke hath unlawfully ever since the first unlawful obtaining of the said office, retained them in his hands, and exercised them against the laws and statutes aforesaid."

His not guarding the Seas.

"IV. Whereas the said duke, by reason of his said offices of great admiral of the kingdoms of England and Ireland, and of the principality of Wales, and of the admiral of the cinque ports, and general governor of the seas and ships of the said kingdoms, and by reason of the trust thereunto belonging, ought at all times, since the said offices obtained, to have safely guarded, kept, and preserved the said seas, and the dominion of them; and ought also, whensoever they wanted either men, ships, munition, or other strength whatsoever, that might conduce to the better safeguard of them, to have used, from time to time, his utmost endeavour for the supply of such wants, to the right hon. the lords and others of the privy council, and by procuring such supply from his sovereign, or otherwise: He the said duke hath, ever since the dissolution of the two Treaties mentioned in the act of subsidies of the 21st of the late king James, of famous memory, (that is to say the space of three years last past) neglected the just performance of his said office and duty, and broken the said trust therewith committed unto him; and hath not, according to his said offices, during the time aforesaid, safely kept the said seas: insomuch that by reason of his neglect and default therein, not only the trade and strength of this kingdom of England hath been, during the said time, much decayed; but the same seas also have been, during the same time, ignominiously infested by pirates and enemies, to the loss both of very many ships and goods, and of many of the subjects of our sovereign lord the king; and the dominion of the said seas, being the antient and undoubted patrimony of the kings of England, is thereby also in most imminent danger to be utterly lost."

His unjust Stay of the Ship of Newhaven, called St. Peter, after Sentence.

"V. Whereas about Michaelmas last past, a ship called the St. Peter of Newhaven, (whereof John Mallerau was master) laden with divers goods, merchandize, monies, jewels, and commodities, to the value of 40,000*l.* or thereabouts, for the proper account of M. de Villieurs, the then governor of Newhaven, and other subjects of the French king, being in perfect amity and league with our sovereign lord the king, was taken at sea by some of the ships of his maj.'s late fleet, set forth under the command of the said duke, as well by direction from him the said duke as great admiral of England, as by the authority of the extraordinary commission which he then had for the command of the said fleet, and was by them, together with her said goods and lading, brought into the port of Plymouth, as a prize among many others, upon probabilities that the said ship or goods belonged to the subjects of the king of Spain: And that divers parcels of the said goods and lading were there taken out of the said ship St. Peter; that is to say, 16 barrels of cochineal, 8 bags of gold, 23 bags of silver, 2 boxes of pearl and emeralds, a chain of gold, jewels, monies, and commodities, to the value of 20,000*l.* or thereabouts; and by the said duke were delivered into the private custody of one Gabriel Marsh, servant to the said duke; and that the said ship, with the residue of her goods and lading, was from thence sent up into the river of Thames, and there detained; whereupon there was an arrest at Newhaven in the kingdom of France, on the 7th of Dec. last, of two English merchant ships trading thither, as was alledged in certain petitions exhibited by some English merchants trading into France, to the lords and others of his maj.'s most hon. privy-council; after which, that is to say, on the 28th of the said month, his maj. was pleased to order, with the advice of his privy-council, That the said ship and goods, belonging to the subjects of the French king, should be re-delivered to such as should reclaim them; and accordingly intimation was given to his maj.'s advocate in the chief court of admiralty, by the right hon. Sir John Cook, knt. one of his maj.'s principal secretaries of state, for the freeing and discharging the said ship and goods in the said court of admiralty: And afterwards, that is to say, on the 26th of Jan. last, it was decreed in the said court by the judge thereof, with the consent of the said advocate, That the said ship with whatsoever goods so seized on or taken in her, (except 300 Mexico hides, 16 sacks of ginger, one box of gilded beads, 5 sacks of ginger more, mentioned in the said decree) should be clearly released from further detention, and delivered to the master; and thereupon a commission under seal was in that behalf duly sent out of the said court to sir Allen Appesly, sir John Wolstenholme, and others, for the due execution thereof: The said duke, notwithstanding the said order, commission and decree, detained still to his own use the said gold, silver, pearls, emeralds, jewels, monies, and commodities, so taken out of the said ship as afore-

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said: And for his own singular avail and covetousness, on the 6th of Feb. last, having no information of any new proof, without any legal proceeding, by colour of his said office, unjustly caused the said ship and goods to be again arrested and detained, in public violation and contempt of the laws and justice of this land, to the great disturbance of trade, and prejudice of the merchants."

His Extortion of 10,000*l.* from the East India Company, with the Abuse of Parliament.

"VI. Whereas the honour, wealth, and strength of this realm of England is much increased by the traffick, chiefly, of such merchants as employ and build great warlike ships; a consideration that should move all counsellors of state, especially the lord admiral, to cherish and maintain such merchants: The said duke abusing the lords of the parliament, in the 21st year of the late king James, of famous memory, with pretence of serving the state, did oppress the East-India merchants, and extorted from them 10,000*l.* in the subtil and unlawful manner following, viz. About Feb. in the year aforesaid, he the said duke, hearing some good success that those merchants had at Ormus, in the parts beyond the seas; by his agents cunningly, in or about the month aforesaid, in the same year of the said late king, endeavoured to draw from them some great sum of money; which their poverty, and no gain by that success at Ormus, made those merchants absolutely to deny: whereupon he the said duke perceiving that the said merchants were then setting forth, in the course of their trade, 4 ships, and 2 pinnaces, laden with goods and merchandize of very great value, like to lose their voyage if they should not speedily depart: The said duke on the 1st of March then following, in the said year of the said late king, did move the lords then assembled in the said parliament, whether he should make stay of any ships which were then in the ports, (as being high admiral he might) and namely, those ships prepared for the East-India voyage, which were of great burthen, and well furnished: which motion being approved by their lordships, the duke did stay those ships accordingly: But the 5th of March following, when the deputy of that company, with other of those merchants, did make suit to the said duke for the release of those ships and pinnaces; he the said duke said, He had not been the occasion of their staying, but that having heard the motion with much earnestness in the lords house of parliament, he could do no less than give the order they had done; and therefore he willed them to set down the reasons of their suit, which he would acquaint the house withal; yet in the mean time gave them leave to let their said ships and pinnaces fall down as low as Tilbury. And the 10th of March following, an unusual joint action was, by his procurement, entered in the chief court of admiralty, in the name of the said late king and of the lord admiral, against them, for 15,000*l.* taken piratically by some captains of the said merchant ships, and pretended to be in the hands of the East-India Company; and thereupon the king's advocate, in the name of advocate for the late king and the said lord admiral, moved and obtained one attachment, which, by the serjeant of the said court of admiralty, was served on the said merchants in their court, the 16th of March following: Whereupon the said merchants, though there was no cause for their molestation by the lord admiral, yet the next day they were urged in the said court of admiralty to bring in the 15,000*l.* or go to prison. Wherefore immediately the company of the said merchants did again send the deputy aforesaid, and some others, to make new suit unto the said duke, for the release of the said ships and pinnaces; who unjustly endeavouring to extort money from the said merchants, protested, That the ships should not go, except they compounded with him; and when they urged many more reasons for the release of the said ships and pinnaces, the answer of the said duke was, That the then parliament must first be moved. The said merchants therefore being in this perplexity, and in their consultation, the 23d of that month, even ready to give over that trade, yet considering that they should lose more than was demanded by unlading their ships, besides their voyage, they resolved to give the said duke 10,000*l.* for his unjust demands. And he the said duke, by the undue means aforesaid, and under colour of his office, and upon false pretence of rights, unjustly did exact and extort from the said merchants the 10,000*l.* and received the same about the 28th of April following the discharge of those ships, which were not released by him, till they the said merchants had yielded to give him the said duke the 10,000*l.* for the said release, and for the false pretence of rights made by the said duke, as aforesaid."

His putting some ships into the hands of the French.

"VII. Whereas the Ships of our sovereign lord the king, and of his kingdoms aforesaid, are the principal strength and defence of the said kingdoms, and ought therefore to be always preserved, and safely kept, under the command, and for the service, of our sovereign lord the king, no less than any the fortresses and castles of the said kingdoms: and whereas no subject of this realm ought to be dispossessed of any his goods or chattels without order of justice, or his own consent first duly had and obtained: the said duke, being great admiral of England, gov.-general and keeper of the said ships and seas, and who therefore ought to have and take a special and continual care and diligence how to preserve the same; did nevertheless, in or about the end of July last, in the 1st year of our sovereign lord the king, under colour of the said office of great admiral of England, and by indirect and subtile means and practices, procure one of the principal ships of his majes-

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ty's navy-royal, called the Vanguard, then under the command of capt. John Pennington, and 6 other merchant ships of great burthen and value, belonging to several persons inhabiting in London, the natural subjects of his majesty, to be conveyed over, with all their ordnance, munition, tackle and apparel, into the ports of the kingdom of France; to the end that, being there, they might the more easily be put into the hands of the French king, his ministers and subjects, and taken into their possession, command and power: and accordingly the said duke, by his ministers and agents, with menaces, and other ill means and practices, did there, without order of justice, and without the consent of the said masters and owners, unduly compel and enforce the said masters and owners of the said 6 merchantships, to deliver the said ships into the said possession, command and power of the said French king, his ministers and subjects: and by reason of his compulsion, and under the pretext of his power as aforesaid, and by his indirect practices as aforesaid, the said ships aforesaid, as well the said ship royal of his maj. as the others belonging to the said merchants, were there delivered into the hands and command of the said French king, his ministers and subjects, without either sufficient security or assurance for re-delivery, or other necessary caution in that behalf taken and provided, either by the said duke himself, or otherwise by his direction; contrary to the duty of the said offices of great admiral, governor-general, and keeper of the said ships and seas, and to the faith and trust in that behalf reposed, and contrary to the duty which he oweth to our sovereign lord the king in his place of privy-counsellor; to the apparent weakening of the naval strength of this kingdom, to the great loss and prejudice of the said merchants, and against the liberty of those subjects of our sovereign lord the king that are under the jurisdiction of the admiralty."

His practice for the employment of them against Rochelle.

"VIII. The said duke, contrary to the purpose of our sovereign lord the king, and his majesty's known zeal for the maintenance and advancement of the true religion established in the Church of England, knowing that the said ships were intended to be employed by the said French king against those of the same religion at Rochelle, and elsewhere, in the kingdom of France, did procure the said ship royal, and compel, as aforesaid, the said 6 other ships to be delivered unto the said French king, his ministers and subjects, as aforesaid; to the end the said ships might be used and employed, by the said French king, in his intended war against those of the said religion in the said town of Rochelle, and elsewhere within the kingdom of France: and the said ships were, and have been since, so used and employed by the said French king, his ministers and subjects, against them. And this the said duke did, as aforesaid, in great and most apparent prejudice of the said religion, contrary to the purpose and intention of our sovereign lord the king, and against his duty in that behalf, being sworn counsellor to his maj., and to the great scandal and dishonour of this nation. And notwithstanding the delivery of the said ships by his procurement and compulsion, as aforesaid, to be employed, as aforesaid, the said duke, in cunning and cautelous manner, to mask his ill intentions, did, at the parliament held at Oxford in Aug. last, before the committee of both houses of parl. intimate and declare, that the said ships were not, nor should they be so used and employed against those of the said religion, as aforesaid; in contempt of our sovereign lord the king, and in abuse of the said houses of parl. and in violation of that truth which every man should profess."

His compelling Lord Robarts of Truro to buy his Title of Honour.

"IX. Whereas the Titles of Honour of this kingdom of England were wont to be conferred, as great rewards, upon such virtuous and industrious persons as had merited them by their faithful service; the said duke, by his importunate and subtile procurement, hath not only perverted that antient and honourable way, but also unduly, for his own particular gain, he hath enforced some that were rich (though unwilling) to purchase honour; as the lord Roberts, baron of Truro, who, by practice of the said duke and his agents, was drawn up to London, in or about Oct. in the 22nd year of the reign of the late king James of famous memory, and there so threatened and dealt withal, that by reason thereof he yielded to give, and accordingly did pay the sum of 10,000*l.* to the said duke, and to his use; for which said sum, the said duke in the month of Jan. in the 22nd year of the said late king, procured the title of baron Roberts of Truro, to the said lord Roberts. In which practice, as the said lord Roberts was much wronged in this particular, so the example thereof tendeth to the prejudice of the gentry, and dishonour of the nobility of this kingdom."

His selling Places of Judicature.

"X. Whereas no Place of Judicature in the courts of justice of our sovereign lord the king, nor other like preferments given by the kings of this realm, ought to be procured by any subject whatsoever for any reward, bribe, or gift; he the said duke in or about the month of Dec. in the 18th year of the reign of the late king James of famous memory, did procure of the said king, the office of high treasurer of England to the lord viscount Mandeville, now earl of Manchester; which office, at his procurement, was given and granted accordingly to the lord visc. Mandeville: and, as a reward for the said procurement of the same grant, he the said duke did then receive to his own use, of and from the said lord visc. Mandeville, the sum of 20,000*l.* of lawful money of

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England. And also in or about the month of Jan. in the 16th year of the reign of the said late king, did procure of the said late king, of famous memory, the office of master of the wards and liveries to and for sir L. Cranfield, afterwards earl of Middlesex, which office was, upon the same procurement, given and granted to the said sir L. Cranfield: and, as a reward for the same procurement, he, the said duke, had, to his own use, or to the use of some other person by him appointed, of the said sir L. Cranfield, the sum of 6000*l.* of lawful money of England, contrary to the dignity of our sovereign lord the king, and against the duty that should have been performed by the said duke unto him."

His procuring Honours for his poor Kindred.

"XI. That he the said duke hath, within these ten years last past, procured divers Titles of Honour to his mother, brothers, kindred and allies; as, the title of countess of Buckingham to his mother, while she was sir Tho. Compton's wife; the title of earl of Anglesey to his younger brother, Christ. Villiers; the titles of baron of Newnham Padocks, viscount Fielding, and earl of Denbigh, to his sister's husband, sir Wm. Fielding; the titles of baron of Stoak and visc. Purbeck, to sir John Villiers, elder brother unto the said duke; and divers more of the like kind to his kindred and allies; whereby the noble barons of England, so well deserving in themselves, and in their ancestors, have been much prejudiced, and the crown disabled to reward extraordinary virtues in future times with honour, while the poor estates of those for whom such unnecessary advancement hath been procured, are apparently likely to be more and more burthensome to the king, notwithstanding such annuities, pensions, and grants of lands annexed to the crown, of great value, which the said duke hath procured for those his kindred, to support these their dignities."

His exhausting, intercepting, and misemploying the King's Revenue.

"XII. He the said duke, not contented with the great advancement formerly received from the late king, of famous memory, did, by his procurement and practice, in the 14th year of the said king, for the support of the many places, honours and dignities conferred on him, obtain a grant of divers manors, parcel of the revenue of the crown, and of the duchy of Lancaster, to the yearly value of 1697*l.* 2*s.* 0¾*d.* of old rent, with all woods, timber, trees, and advowsons; part whereof amounting to the annual sum of 747*l.* 13*s.* 4*d.* was rated at the sum of only 320*l.* tho', in truth, of so far greater value. And likewise, in the 16th year of the same king's reign, did procure divers other manors, annexed to the crown, of the yearly value, at the old rent, of 1338*l.* or thereabouts, according as in a schedule hereunto annexed appeareth. In the warrant for passing of which lands, he, by his great favour, procured divers unusual clauses to be inserted, viz. That no perquisites of courts should be valued, and that all bailiff-fees should be reprised in the particulars upon which those lands were rated; whereby a precedent hath been introduced, which all those who, since that time, have obtained any lands from the crown, have pursued to the damage of his late maj. and of our sovereign lord the king that now is, to an exceeding great value. And afterwards he surrendered to his said maj. divers manors and lands, parcel of those lands formerly granted unto him, to the value of 723*l.* 18*s.* 2½*d.* per ann.; in consideration of which surrender, he procured divers other lands of the said late king to be sold and contracted for, by his own servants and agents, and thereupon hath obtained grants of the same to pass from his late maj. to several persons of this kingdom; and hath caused tallies to be stricken for the money, being the consideration mentioned in those grants in the receipt of the exchequer, as if such monies had really come to his maj.'s coffers; whereas the duke (or some other by his appointment) hath indeed received the same sums, and expended them upon his own occasions. And notwithstanding the great and inestimable gain made by him, by the sale of offices, honours, and by other suits by him obtained from his maj. and for the countenancing of divers projects, and other courses, burthensome to his maj.'s realms, both of England and Ireland; the said duke hath likewise, by his procurement and practice, received into his hands, and disbursed to his own use, exceeding great sums that were the monies of the late king, of famous memory, as appeareth also in the said schedule hereunto annexed: and, the better to colour his doings in that behalf, hath obtained several privy-seals from his late maj. and his maj. that now is, warranting the payment of great sums to persons by him named, causing it to be recited in such privy-seals, as if those sums were directed for secret services concerning the state, which were, notwithstanding, disposed of to his own use; and other privy-seals have been procured by him for the discharge of those persons without accompt; and by the like fraud and practice, under colour of free gifts from his maj. he hath gotten into his hands great sums which were intended by his maj. to be disbursed for the preparing, furnishing and victualling of his royal navy; by which secret and colourable devices the constant and ordinary course of the exchequer hath been broken, there being no means, by matter of record, to charge either the treasurer or victualler of the navy with those sums which ought to have come to their hands, and to be accompted for to his maj.: and such a confusion and mixture hath been made between the king's estates and the duke's, as cannot be cleared by the legal entries and records, which ought to be truly and faithfully made and kept, both for the safety of his maj.'s treasure, and for the indemnity of his officers and subjects whom it doth concern. And also in the 16th and

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20th years of the said king, he did procure to himself several releases from the said king, of divers great sums of money of the said king, by him privately received, and which he procured, that he might detain the same for the support of his places, honours, and dignities. And these things, and divers others of the like kind, as appeareth in the schedule annexed, hath he done, to the exceeding diminution of the revenue of the crown, and in deceit both of our sovereign lord the king that now is, and of the late king James, of famous memory, and to the detriment of the whole kingdom."

His transcendent Presumption in giving Physick to the King.

"XIII. Whereas special care and order hath been taken by the laws of the realm, to restrain and prevent the unskilful administration of physick, whereby the health and life of man may be much endangered: and whereas most especially, the royal persons of the kings of the realm, in whom we their loyal subjects humbly challenge a great interest, are, and always have been esteemed by us, so sacred, that nothing ought to be prepared for them, or administred unto them, in the way of physick or dyet, in the times of their sickness, without the consent and direction of some of their sworn physicians, apothecaries, or surgeons: and the boldness of such (how near soever to them in place and favour) who have forgotten their duties so far as to presume to offer any thing unto them beyond their experience, hath been always ranked in the number of high offences and misdemeanors. And whereas the sworn physicians of our late sovereign lord king James, of blessed memory, attending on his majesty in the month of March, in the 22nd year of his most glorious reign, in the times of his sickness, being an ague, did, in due and necessary care of, and for the recovery of his health, and preservation of his person, upon and after several mature consultations in that behalf had and holden, at several times in the same month, resolve and give directions, that nothing should be applied or given unto his highness, by way of physick or diet, during his said sickness, but by and upon their general advice and consents, and after good deliberation thereof first had; more especially by their like care, and upon like consultations, did justly resolve, and publickly give warning to, and for all the other gentlemen, and other servants and officers of his said late maj.'s bed-chamber, that no meat or drink whatsoever should be given unto him, within 2 or 3 hours next before the usual time of, and for the coming of his fit in the said ague, nor during the continuance thereof, nor afterwards, until his cold fit was past: the said duke of Buckingham, being a sworn servant of his said late maj. of and in his maj.'s said bed-chamber, contrary to his duty, and the tender respects which he ought to have had of his majesty's most sacred person, and after the consultations, resolutions, directions, and warning aforesaid, did, nevertheless, without any sufficient warrant in that behalf, unduly cause and procure certain plaisters, and a certain drink or potion to be provided for the use of his said majesty, without the direction or privity of his said late majesty's physicians, not prepared by any of his sworn apothecaries or surgeons, but compounded of several ingredients to them unknown; notwithstanding the same plaisters, or some plaister like thereunto, having been formerly administred unto his said maj. did produce such ill effects, as that some of the said sworn physicians did altogether disallow thereof, and utterly refused to meddle any further with his said maj. until these plaisters were removed, as being hurtful and prejudicial to the health of his maj.; yet, nevertheless, the same plaisters, as also a drink or potion, was provided by him the said duke; which he, the said duke, by colour of some insufficient and slight pretences, did, upon Monday the 21st day of March, in the 22nd year aforesaid, when his maj. by the judgment of his said physicians, was in the declination of his disease, cause and procure the said plaisters to be applied to the breast and wrists of his said late maj. And then also, at and in his maj.'s fit of the said ague, the said Monday, and at several times within two hours before the coming of the said fit, and before his majesty's then cold fit was passed, did deliver, and cause to be delivered, several quantities of the said drink or potion to his said late majesty; who thereupon, at the same times, within the seasons in that behalf prohibited by his majesty's physicians, as aforesaid, did, by the means and procurement of the said duke, drink, and take divers quantities of the said drink or potion.—After which said plaisters, and drink or potion, applied and given unto, and taken and received by his said maj. as aforesaid, great distempers and divers ill symptoms appeared upon his said maj. insomuch that the said physicians finding his maj. the next morning much worse in the estate of his health, and holding consultation thereabout, did, by joint consent, send to the said duke, praying him not to adventure to minister to his maj. any more physick, without their allowance and approbation. And his said maj. finding himself much diseased and affected with pain and sickness, after his then fit, when by the course of his disease he expected intermission and ease, did attribute the cause of such his trouble unto the said plaister and drink, which the said duke had so given, and caused to be administred unto him. Which said adventurous act, by a person obliged in duty and thankfulness, done to the person of so great a king, after so ill success of the like formerly administred, contrary to such directions as aforesaid, and accompanied with so unhappy event, to the great grief and discomfort of all his majesty's subjects in general, is an offence and misdemeanor of so high a nature, as may justly be called, and is, by the said commons deemed to be, an act of transcendent presumption, and of dangerous consequence."

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Conclusion.

"And the said commons, by protestation, saving to themselves the liberty of exhibiting, at any time hereafter, any other Accusation or Impeachment against the said duke, and also of replying to the Answers that the said duke shall make unto the said Articles or to any of them, and of offering further proof also of the premisses, or of any of them, as the case shall (according to the course of parliament) require, do pray, that the said duke may be put to answer all and every the premisses; and that such proceeding, examination, tryal and judgment, may be upon every of them had and used, as is agreeable to law and justice."

The Duke of Buckingham charges sir D. Diggs with treasonable Words at the foregoing Conference.] After the Report of the duke's Charge was made to the lords, his grace rose up and affirmed to the house, "That some words were spoken at the late conference by sir Dudley Diggs, which so far trenched on the king's honour, that they were interpreted treasonable. And that, had he not been restrained by the order of the house, he would have reprehended him for them. He, therefore, earnestly desired, because that divers constructions had been made of those words and variously reported, that the eight lords would be pleased to produce their notes taken at the said conference."—This motion occasioned a long debate, the house being often put into a committee and resumed again, till, at last, 30 lay-lords and 6 bishops, though there was no order for it, made a voluntary protestation, upon their honours, "That the said sir Dudley Diggs did not speak any thing at the said conference, which did or might trench upon the king's honour; and, if he had, they would presently have reprehended him for it."—The lord president, the earl of Manchester, affirmed, That he had reported the words in the same sense they were delivered unto him by the party himself; and, though the dislocation of them required to be explained, yet he agreed with the rest of the lords for the party's good meaning, and made the same protestation. Some other lords affirmed, They did not hear them at all; others said, They would make no protestation until they were commanded by order; and only one, the earl of Holland, thought the words were fit to be explained and the party questioned about them.—This is all that is said, in the Lords Journals, relating to sir Dudley Diggs's Case; for sir John Elliot's did not come before them. We shall now return to the Proceedings of the Commons, and learn how this business went on there.

The Commons resent the Imprisonment of Sir D. Diggs, and Sir J. Elliot.] The commons highly resented the Imprisonment of their two members; and, May 12th, actually resolved, "Not to do any more business till they were righted in their Privileges." Sir Dudley Carlton, vice-chamberlain of the houshold, observing a sullen silence, as he termed it, in the house, began a speech in order to bring them to better temper. The heads of this speech are entered in the Commons Journals of this day. Mr. Rushworth hath given it at length, in these words.

Sir Dudley Carlton's Speech on that Occasion.] "I find, by a great silence in this house, that it is a fit time to be heard, if you please to give me the patience. I may very fitly compare the heaviness of this house unto some of my misfortunes by sea in my travels: For as we were bound unto Marseilles, by oversight of the mariners we mistook our course, and by ill fortune met with a sand: That was no sooner overpast, but we fell on another; and having escaped this likewise, we met with a third, and in that we stuck fast. All of the passengers being much dismayed by this disaster, as now we are here in this house for the loss of those two members; at last an old experienced mariner, upon consultation, affirmed, That the speediest way to come out from the sands, was to know how we came there: So, well looking and beholding the compass, he found by going in upon such a point we were brought into that strait; wherefore we must take a new point to rectify and bring us out of danger.—This house of parliament may be compared to the ship; the sands to our messages; and the commitment to the sands that the ship did stick fast in; and lastly the compass, to the table where the book of orders doth lie. Then I beseech you let us look into the book where the orders are, whether the gentlemen did go no further than the order did warrant them. If they did not, it is fit that we should defend them whom we employed in our behests: But if they have exceeded their commission, and delivered that which they had not warrant for, it is just that we let them suffer for this presumption; and this our course will bring us from these rocks. I beseech you gentlemen, move not his maj. with trenching upon his prerogatives, lest you bring him out of love with parliaments. You have heard his maj.'s often messages to you, to put you forward in a course that will be most convenient. In those messages he told you, That if there were not correspondency between him and you, he should be inforced to use new counsels. Now I pray you consider what these new counsels are, and may be: I fear to declare those that I conceive. In all christian kingdoms you know that parliaments were in use antiently, by which their kingdoms were governed in a most flourishing manner, until the monarchs began to know their own strength; and seeing the turbulent spirit of their parliaments, at length they, by little and little, began to stand upon their prerogatives, and at last overthrew the parliaments throughout Christendom, except here only with us.—And indeed you would count it a great misery, if you knew the subjects in foreign countries as well as myself, to see them look not like our nation, with store of flesh on their backs, but like so many ghosts,

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and not men, being nothing but skin and bones, with some thin cover to their nakedness, and wearing only wooden shoes on their feet: so that they cannot eat meat, or wear good clothes, but they must pay and be taxed unto the king for it. This is a misery beyond expression, and that which yet we are free from. Let us be careful then to preserve the king's good opinion of parliaments, which bringeth this happiness to this nation, and makes us envied of all others, while there is this sweetness between his maj. and his commons; lest we lose the repute of a free-born nation, by turbulency in parliament. For, in my opinion, the greatest and wisest part of a parliament are those that use the greatest silence, so as it be not opiniative, or sullen, as now we are by the loss of these our members that are committed.—This good correspondency being kept between the king and his people, will so join their love and favour to his maj. with liking of parliaments, that his prerogative shall be preserved entire to himself, without our trenching upon it; and also the privilege of the subject (which is our happiness) inviolated, and both be maintained to the support of each other. And I told you, if you would hear me patiently, I would tell you what exception his maj. doth take at those gentlemen that are committed. You know that eight members were chosen to deliver the Charge against the duke, but there were only 6 employed for that purpose; and to these there was no exception. As for sir D. Diggs's part, that was the prologue; and in that his maj. doth conceive that he went too far beyond his commission, in pressing the death of his ever-blessed father in these words, That he was commanded by the house to say concerning the plaister applied to the king, 'That he did forbear to speak further in regard of the king's honour,' or words to that effect. This his maj. conceiveth to be to his dishonour, as if there had been any underhand dealing by his maj., in applying of the plaister; and this may make his subjects jealous of his doings: In this point his maj. is assured that the house did not warrant him. Now for that which is excepted against sir John Elliot, his over bitterness in the aggravation upon the whole Charge, and specially upon some of the heads of it, as I never heard the like in parliament before; but I have indeed heard the like when a criminal was indicted, or accused at a bar. For if you please to remember, when I moved for putting of the St. Peter of Newhaven out of the Charge against the duke, and shewed my reasons for that purpose, you know how tender sir J. Elliot was of it, as if it had been a child of his own; and so careful in the handling thereof by a stranger, that he would not suffer it to be touched, though with never so tender a hand, for fear it might prove a changeling; which did manifest, how specious soever his pretences were, that he had oculum in cauda: And I must confess, I was heartily sorry, when he delivered his aggravation to the lords, to see his tartness against the duke; when as he had occasion to name him, he only gave him the title of 'This Man,' and 'The Man;' whereas the others observed more respect and modesty in their Charges against so great a person as the duke is, considering that then he was not convicted, but stood rectus in curia. Lastly, for pressing the death of his late maj. you know that the sense of the house concluded, That it was only an act of presumption; nay, some of them expressly said, 'Nay, God forbid, that I should lay the death of the king to his charge.' If he, without warrant from the house, insisted upon the composition of the plaister, as if there were aliquid latet quod non patet; this was beyond his commission from our house, and this is that which his maj. doth except against: and this, I say, drew his maj. with other insolent invectives, to use his regal authority in committing them to the Tower. I move therefore, for a grand committee to consider of the best remedy to get us out of this strait."

The Commons' Protestation relating to sir D. Diggs.] May 13. Mr. Rolles, from the committee appointed by the house, reported, "That the words spoken by sir D. Diggs, against which his maj. had taken exception, were, That he should say, by the command of the house, on the particular of the plaister applied to the body of the late king, 'That he did forbear to speak any further, in regard of the king's honour;' or words to that effect." And that the committee had resolved, "That a solemn protestation should be made by every member of the house, absent or present, against their giving consent to the speaking of any such words. The form of which was as followeth: 'I protest, before Almighty God and this house of parliament, that I never gave consent that sir D. Diggs should speak those words which he is now charged withal, or any words to that effect; and I have not affirmed to any that he did speak such words, or any to that effect."

The two Members are discharged by the King.] But the king having been better satisfied of sir D. Diggs's innocency in this respect, released him from the Tower; and the day after he took his seat in the house. He there made a protestation, 'That the words charged on him were so far from being his words, that they never came into his thoughts; what had led the king into this error, was common report;' and afterwards sending for 5 or 6 note-books, they seemed to confirm it. But the Case of sir John Elliot was somewhat different; though this gentleman was released from his confinement nearly as soon as the former.

Debate on the Releasement of sir J. Elliot.] May 16. The chancellor of the exchequer delivered a message from the king to the house, 'That the king was very careful not to enter upon their privileges, good testimony of which he had given by his proceedings with sir D. Diggs. But that the business of sir J. Elliot was of another nature; and although his maj. by the information given him, disliked the whole manner of his delivery of that which

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he had commandment from the house to speak, yet the king charged sir J. Elliot with things extrajudicial to that authority. He therefore wished they would proceed on cheartully with the business of the house, resting upon this, that the king would, by no means, violate any of their privileges.'—But it being desired by some, That the word extrajudicial might be explained, Mr. chancellor said, 'It was the king's own word, and therefore he could not do it, without his maj.'s leave. But he would move the king for it, and then willingly satisfy the house about it.' The consideration of this message was deferred to the next day; and, by general voice, Mr. Herbert, Mr. Selden, Mr. Glanville, Mr. Sherland, Mr. Pym, and Mr. Wandesford, were cleared from having exceeded their commission, given them by the house, in any thing which passed from them in the late conference with the lords.

May 20. A motion was made in the house concerning sir J. Elliot, whether he should come and sit there, having been charged with high crimes extrajudicial to that house. The ministers allowed of his coming; and accordingly sir John having taken his place,

Mr. *Vice-Chamberlain* stood up and said, "That he did not charge him with crimes, but only gave him an occasion to discharge himself of whatsoever might be objected against him, for any thing which passed from him at the conference. That all the other 7 managers used respective words against the duke; but for the manner of his speech, it was thought to be too harsh and tart towards the person of his grace. First, in the matter; representing a character of the duke of Buckingham's mind, comparatively with a strange beast called *Stellionatus;* which was not in the Charge against him. Next, in saying something contrary to the mind of the house; as his not knowing of the return of the ships out of France, 'They say they are come, but I know it not:' Which might be conceived to be a doubt of the house; since he said, That in obedience to the house he spoke it. His phrase of 'That man,' in all languages is accounted base, and a great indignity to be used to persons of honour. That his offence sounded very ill abroad in making historical comparisons. As of Sejanus; of the bishop of Ely; that he was audax, superbus, adulator; and, speaking of Sejanus, said, he would not touch his venefices and veneries; wherein he was conceived to aim at the duke. In the main, That he cut off the words of the last Charge, with a quotation out of Cicero; as if some things were in the charge covered, which were not yet discovered. And all this contrary to his directions from the house."—To this accusation,

Sir *John Elliot* replied, "That he gave thanks to Mr. vice-chamberlain, for his plain dealing with him, and ministring occasion for him to clear himself. He desired that the complaints against him might be particularly charged, that he might answer them one by one distinctly. And moved, that if any other in the house could charge him further, they would now do it, that he might answer them severally. 1. For the word Stellionatus: that for his honours, offices, &c. he sailed with his ambition; but for his deceit and fraud, because no word could decypher it, he used the word Stellionatus; which is a beast of so many colours, as, one beholding of it cannot tell what colour it is. The instances herein were, his fraud, in drawing money from the merchants: his getting them to send their ships into France there to be trapped: to abuse the king therein, and also the parliament: all these under the word Stellionatus. 2. For his saying, 'he knew not that the ships were come, and that in obedience to the house;' he confessed he did not know, though he did hear they were returned; for it was true, he heard it in that house; but neither then, nor now, knoweth it certainly. 3. For the words, 'The man;' he said he spoke not by the book, but suddenly. That he did oft give the duke his titles, but for brevity's sake, he used the words, 'the man;' which is used in all languages, as ille & ipse. He thought it not fit at all times to reiterate his titles; and yet thinketh him not to be a God. 4. For Sejanus and the bishop of Ely; for the first he had paralleled him in four particulars. Nor did he apply the veneries and venefices of Sejanus to him, but excluded them. If applied by the duke to himself, he prayed, that his misapplication might not make that, which he never intended, to be his fault. To the bishop he compared him for the exhausting and luxurious employing of the king's revenue; conferring honours upon obscure persons, his boldness; & pereat ne omnes pereant. But he protested that in none of these examples, he meant to parallel times to these, nor any other person but to the duke. For the cutting off the last Charge in the words of Cicero, he said, this fell not from him in the conclusion; to evince which, he related the particulars, and, as he remembered, the very syllables of what he had then said. For the manner of his speech; as having too much vigour and strength; he said, he could not excuse his natural defects; but he then endeavoured, and ever did in this house, to avoid passion; and only desired to do his duty with the best life he could. And, for exceeding his commission; he desired to understand the particulars wherein, and then he would give an answer."

After sir John Elliot had ended his justification, he withdrew, of himself, the house refusing to order it. And it was resolved upon the question, "That sir John Elliot had not exceeded the commission given him by the house, in any thing which passed from him in the late conference with the lords.' The like was done for sir D. Diggs; and both without one negative.

We shall now return to the Proceedings of the Lords in the beginning of this parliament, in order to take notice of the imprisonment of a Peer, which occasioned a general ferment at

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that time, and created much disturbance in that house.

PROCEEDINGS IN THE HOUSE OF LORDS RELATIVE TO THE IMPRISONMENT OF THE EARL OF ARUNDEL DURING THE SESSION.

On the 14th of March the king had committed the earl of Arundel to the Tower, but the cause of his commitment was not expressed.* The lords were highly discontented at his commitment in time of parliament; and thereupon resolved 'to take the same into their consideration; and so to proceed therein, as to give no just cause of offence to his majesty, and yet preserve the privileges of parliament.' This gave occasion to the following Messages, Petitions, Answers, and Replies; which, as an affair of so great consequence to the peerage, we shall give in a regular series, without the intervention of any other matters.

March 24. The lord keeper signified to the house, that he was commanded to deliver this Message from his maj. unto their lordships, viz. "That the earl of Arundel was restrained for a misdemeanor which was personal to his maj. and lay in the proper knowledge of his maj. and had no relation to matters of parliament." Hereupon the house was put into a committee; and being resumed, the lords sub-committees for privileges, &c. were appointed to search for precedents concerning the commitment of a peer of this realm, during the time of parliament: and the lord chief justice (sir Randolph Crew) Mr. Justice Dodderige, and Mr. Justice Yelverton, were appointed to attend their lordships in that behalf.

March 15. The lord treasurer delivered a Message from the king, in hæc verba: "Whereas, upon a motion made by one of your lordships, the lord keeper did yesterday deliver a Message from his maj. That the earl of Arundel was restrained for a misdemeanor which was personal to his maj. and lay in the proper knowledge of his maj. and had no relation to matters of parliament: his maj. hath now commanded me to signify to your lordships, that he doth avow the Message in sort as it was delivered, to have been done punctually, according to his majesty's own direction; and he knoweth that he hath therein done justly, and not diminished the privileges of that house." And, because the committee appointed to search for precedents, &c. had not yet made any report to the house, therefore the decision of this business was suspended for that time.

April 5. The earl of Hertford made Report to the house, 'That the lords committees for privileges had met; and that the first question that arose among them was, Whether those proxies were of any validity, which are deputed to any peer, who sitteth not himself in parliament? And it was conceived that those votes were lost: whereupon the committee found this house to be deprived of 5 suffrages by the absence of the earl of Arundel, unto whom they were intrusted: and the committee finding by the Journal-Book, that the sub-committee, which was appointed to search precedents for privileges concerning the commitment of a peer in the time of parliament, had not yet made report to the house: and then considering together their notes of precedents whereof they made search, found that no one peer had been committed, the parliament sitting, without trial of judgment of the peers in parliament; and that one only precedent of the bishop of Winchester, in the book-case, in the reign of Edw. 3. which was here urged, cannot be proved to be in parliament-time; and this the lords of the grand committee thought fit to offer to the consideration of the house."—Hereupon the house was moved to give power to the lords sub-committees for privileges, &c. to proceed in the search of precedents of the commitment of a peer of this realm during the time of parliament; and that the king's counsel might shew them such precedents as they have of the said commitment: and that the said sub-committee may make the report unto the house at the next access. All which was agreed unto, and these lords were called unto the said sub-committee, viz. the lord treasurer, lord president, d. of Buckingham, earls of Dorset, Devon, and Clare, visc. Wallingford, visc. Mansfield, and lord North; the king's counsel were also appointed to attend these lords.

April 28. The lord president reported the proceedings of the said sub-committees for privileges, &c. upon commitment of the earl of Arundel, viz. "That the king's counsel had searched and acquainted the lords sub-committees with all that they had found in records, chronicles and stories, concerning this matter: unto which the said lords sub-committees had given full answer, and also shewn such precedents as did maintain their own rights."—The precedents being read, it was resolved upon the question, by the whole house, *nem. diss.* That the privilege of this house is, That no lord of parliament, the parliament sitting, or within the usual time of privileges of parliament, is to be imprisoned or restrained without sentence or order of the house, unless it be for treason or felony, or refusing to give surety of the peace." And it was thereupon ordered, That the said lords sub-committees for privileges, &c. or any 5 of them, shall meet this afternoon, to consider of a Remonstrance and Petition of the peers concerning the claim of their privileges from arrests and imprisonments during the parliament: which was conceived by the lords sub-committees for privileges, according to the order of the house, and was read openly, viz.

"May it please your majesty: We the peers of this your realm, assembled in parliament,

* Mr. Rushworth tells us, 'It was conceived to be about the marriage of the lord Maltravers, the earl's eldest son, to the young duke of Lenox's sister, which was brought about by the contrivance of the countess of Arundel and the old dutchess of Lenox.'

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finding the earl of Arundel absent from his place, that sometimes in this parl. sat amongst us, his presence was therefore called for: but thereupon a Message was delivered unto us, from your maj. by the lord keeper, that the earl of Arundel was restrained for a misdemeanor which was personal to your maj. and had no relation to matters of parliament. This Message occasioned us to inquire into the acts of our ancestors, and what in like cases they had done; that so we might not err in any dutiful respect to your maj. and yet preserve our right and privilege of parliament. And after diligent search both of all stories, statutes and records, that might inform us in this case, we find it to be an undoubted right and constant privilege of parliament, That no lord of parliament, the parliament sitting, or within the usual times of privilege of parliament, is to be imprisoned or restrained, without sentence or order of the house, unless it be for treason or felony, or for refusing to give surety for the peace. And to satisfy ourselves the better, we have heard all that could be alledged by your maj.'s counsel learned at law, that might any way weaken or infringe this claim of the peers; and to all that can be shewed or alledged, so full satisfaction hath been given, as that all the peers of parliament, upon the question made of this privilege, have, una voce, consented, That this is the undoubted right of the peers, and hath inviolably been enjoyed by them. Therefore we, your maj.'s loyal subjects, and humble servants, the whole body of the peers now in parliament assembled, most humbly beseech your maj. that the earl of Arundel, a member of this body, may presently be admitted with your gracious favour to come, sit, and serve your maj. and the common-wealth in the great affairs of this parliament. And we shall pray, &c."

This Remonstrance and Petition to the king was approved by the whole house, who agreed, that it should be presented by the whole house to his maj.; and it was further agreed, that the lord president, the lord steward, the earl of Cambridge, and the lord great-chamberlain, should presently go to the king to know his majesty's pleasure when they shall attend him. These lords returning, the lord president reported, that his maj. had appointed the next day for the whole house to attend him with the said Remonstrance and Petition, in the chamber of presence at Whitehall. And it was agreed, That the lord keeper should then read the same to the king, and present it to his majesty.

April 20. The lord keeper reported the king's Answer accordingly, viz. "My lords, ye have spent some time in this business, and it being of some consequence, I should be thought rash if I should give a sudden Answer thereto; and therefore I will advise of it, and give you a full Answer in convenient time."

April 21. It was ordered that the house should be called over on the 24th, which was done accordingly; and the earl of Arundel's name being called, the lord keeper signified unto the house, that his maj. had taken into consideration the petition exhibited by their lordships on the 19th, concerning the earl, and will return an Answer thereunto with all expedition.

May 2. It was ordered that the lord keeper should move his maj. from the house, for a speedy and gracious Answer unto their Petition on the earl of Arundel's behalf: and on the 4th the lord keeper signified unto their lordships, that according to the said order, he had moved his maj. from the house on the behalf of the said earl, who answered, "That it is a cause wherein he hath had a great deal of care, and is willing to give their lordships satisfaction, and hath it in his consideration how to do it; and hath been interrupted by other business, wherein Mr. Attorney hath had occasion of much conference with him (as their lordships are acquainted): but will with all conveniency give their lordships satisfaction, and return them an Answer."

May 9. The house being again moved to petition the king touching the earl of Arundel, certain lords were appointed to set down the form of the said Petition; who reported the same in writing, viz. "May it please your majesty; Whereas the whole body of the peers now assembled in parliament, did, the 19th day of April, exhibit to your maj. an humble Remonstrance and Petition concerning the Privilege of the Peers in Parliament, and in particular touching the earl of Arundel; whereupon we received a gracious Answer, that in convenient time, we should receive a full Answer, which we have long and dutifully attended: and now at this time, so great a business being in handling in the house, we are pressed by that business, to be humble suitors to your maj. for a gracious and present Answer."—This being read, was approved of by the house, and the said committee appointed to present the same unto his maj. from the house, at such time as the lord chamberlain shall signify unto them, that his maj. is pleased to admit them to his presence.

May 11. The lord president reported the king's Answer to the said Petition, viz. "I did little look for such a message from the house; I have been of the house, and did never know such a message from the one house unto the other: therefore when I receive a message fit to come from you to your sovereign, you shall receive an Answer." The lord president further reported, That the lords committees appointed to deliver the Petition to the king, did thereupon withdraw, and require him humbly to desire his maj. to be pleased to let them know unto what point of the said petition he takes this exception; and that his maj. willed him to say this of himself, viz. "The exception the king taketh, is at the peremptoriness of the term, to have a present Answer; and the king wonders at their impatience, since he hath promised them an Answer in convenient time." Hereupon the house altered their former Petition, leaving out the word 'present,' and appointed the former committee humbly to deliver the same to his majesty.

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May 13. The lord president reported the king's Answer to the Petition, viz. "It is true your word 'present,' was somewhat strange unto me, because you do not use it from one house to another; but now, that I know your meaning, you shall know this from me, that you shall have my Answer so soon as conveniently I can; and this I will assure you, it shall be such an Answer as you shall see I will not trench upon the privileges of your house."

May 17. Their lordships being moved to renew their humble Petition to the king in favour of the earl of Arundel, a Committee was accordingly appointed to draw up the same, which was as follows:—

"May it please your majesty; The cause that moves us now humbly to attend your maj. in our whole body, as at first we did, is because we observe that the house of commons have speedily received a member of theirs being committed.* We the peers being ambitious to deserve of your maj. and to appear to the eye of the world as much respected in our rights and privileges as any peers or commons have ever been, acknowledging you a king of as much goodness as ever king was; do now again humbly beseech that the earl of Arundel, a member of our house, may be restored to us; it so much concerning us in point of privilege, that we all suffer in what he suffers in this his restraint."—The above Petition was ordered to be presented at such time, as the lord chamberlain should signify his majesty's pleasure to admit their lordships to his presence.

May 19. The Lord Chamberlain signified to their lordships, that his maj. being acquainted therewith, is pleased that this house attend him at 2 this afternoon, at Whitehall. The next day the king returned this Answer:—"My lords; I see that in your Petition you acknowledge me a king of as much goodness as ever was; for which I thank you, and I will endeavour, by the grace of God, never to deserve other: but in this I observe you contradict yourselves; for if you believe me to be such as you say I am, you have no reason to mistrust the sincerity of my promises: for, whereas upon often petitions made by you unto me concerning this business, I have promised to give you a full Answer with all convenient speed: by thus again importuning of me, you seem to mistrust my former promises; but it may be said there is an emergent cause, for that I have delivered a member of the lower house. In this, my lords, by your favours, you are mistaken, for the causes do no way agree; for that he that was committed of the h. of commons, was committed for words spoken before both houses; which being such as I had just cause to commit him, yet, because I found they might be words only misplaced, and not ill meant, and were so conceived by many honest men, I was content, upon this interpretation, to release him, without any suit from the lower house; whereas my lord of Arundel's fault was directly against myself, having no relation to the parliament; yet because I see you are so impatient, I will make you a fuller Answer than yet I have done; not doubting but that you will rest contented therewith. It is true I committed him for a cause which most of you know; and, though it had been no more, I had reason to do it; yet, my lords, I assure you that I have things of far greater importance to lay to his charge, which you must excuse me for not telling you at this time, because it is not yet ripe, and it would much prejudice my service to do it. And this, by the word of a king, I do not speak out of a desire to delay you, but, as soon as it is possible, you shall know the cause, which is such as I know you will not judge to be any breach of your privilege; for, my lords, by this I do not mean to shew the power of a king by diminishing your privileges."

This Answer being read again, it was ordered, "That the committee for privileges should meet, and consider how to proceed farther, with dutiful respect to his maj.; and yet so as it may be for the preservation of the privileges of the peers of this land, and the liberties of the house of parliament."

May 24. The lord president reported the Petition agreed on by the lords committees for privileges, &c. in hæc verba:—"May it please your most excellent majesty; Whatever our care or desire is to preserve our right of peerage, yet it is far from our thoughts either to distrust, or press any thing that stands not with the affection and duty of most dutiful, loyal, and loving subjects: and therefore in all humility we cast ourselves before your maj. assuring ourselves in that sacred word of a king, that with all possible conveniency, your maj. will please either to restore the peer to his place in parliament, or express such a cause as may not infringe our privilege."—This Petition was generally approved, and ordered to be presented to his maj. by the whole house; and the earl of Carlisle and the lord Conway were sent to know the king's pleasure when they shall attend his maj. Who, being returned, reported, That his maj. had appointed that afternoon for the same.

May 25. The lord keeper delivered the king's Answer as follows:—"My lords; Your often coming to me, about this business, made me somewhat doubt lest ye did mistrust me; but now since I see ye rely wholly on me, I assure ye it shall prevail more upon me than all importunities: and if ye had done this at first, I should have given ye content. And now I assure ye, I will use all possible speed to give ye satisfaction, and at the furthest before the end of this session of parliament."—This being read the 2nd time, the house was moved, That all business might be laid aside, and that consideration might be had how their privileges may be preserved to posterity. And the house was put into a committee for the freer debate thereof, and afterwards resumed: and

* Sir Dudley Diggs. See p. 122.

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it was ordered, That the house be adjourned till to-morrow, and all business to cease.

May 26. The lord keeper delivered this Message from the king, viz. "That his maj. hath willed him to signify unto their lordships, that he doth marvel his meaning in his last Answer should be mistaken: and for the better clearing of his intention, hath commanded him to signify unto their lordships his further Answer, which is, That their lordships last Petition was so acceptable to his maj. that his intent was then, and is still, to satisfy their lordships fully in what they then desired."—Hereupon it was ordered, That all business be adjourned till that day se'nnight. At the same time the duke of Buckingham signified unto their lordships his desire to have the king's counsel allowed him to plead his Cause: but the lords would not hear him, because they would entertain no business: and so the house was adjourned to the second of June.

June 2. The lord keeper delivered this Message from the king, viz. "His maj. hath commanded me to deliver unto your ldps. a Message touching the earl of Arundel: that his maj. hath thought of that business, and hath advised of his great and pressing affairs, which are such as make him unwilling to enter into dispute of things doubtful: and therefore, to give you clear satisfaction touching that cause, whereby you may more cheerfully proceed in the business of the house, he hath endeavoured, as much as may be, to ripen it, but cannot yet effect it; but is resolved, that at the farthest, by Wednesday se'nnight, he will either declare the cause or admit him to the house. And addeth further, upon the word of a king, That if it shall be sooner ripe, which he hath good cause to expect, he will declare it at the soonest. And further, that if the occasion doth enforce to stay to the time prefixed, yet he doth not purpose to set such a short end to the parliament, but that there shall be an ample and good space between that and the end of the session, to dispatch affairs." This Message being delivered, the house was adjourned ad libitum, and put into a committee; and being resumed, it was agreed, That all business should cease, but this of the earl of Arundel's concerning the privileges of the house; and the house to meet thereon to-morrow morning, and to be put into a committee to consider thereof.

June 3. The lord keeper delivered this Message from the king, viz. "That in the matter concerning the earl of Arundel, his maj. hath been very careful and desirous to avoid all jealousy of violating the privileges of this house; that he continueth still of the same mind, and doth much desire to find out some expedient, which may satisfy their lordships in point of privilege, and yet not hinder his maj.'s service in that particular. But, because this will require some time, his maj. though his great affairs are urgent and pressing, is unwilling to urge their lordships to go on therewith, till his maj. hath thought on the other: and therefore hath commanded him to signify his pleasure, That his maj. is contented their lordships adjourn the house till Thursday next; and in the mean time his maj. will take this particular business into further consideration." Hereupon the lords agreed, That the lord keeper do render unto his maj. from the house, their humble thanks for his gracious respect unto their privileges; and adjourned accordingly.

June 8. The lord keeper delivered this Message to the lords from his maj. viz.—"That on Saturday last his maj. sent word to the house, That by this day he would send them such an Answer concerning the earl of Arundel, as should satisfy them in point of privilege. And therefore to take away all dispute, and that that their privileges may be in the same estate as they were when the parliament began, his maj. hath taken off the restraint of the said earl, whereby he hath liberty to come to the house." The earl of Arundel being returned to the house, did render his humble thanks unto his maj. for his gracious favour towards him; and gave their lordships also most hearty thanks for their often intercessions for him unto the king, and protested his loyalty and faithful service unto his maj.—Having thus fully related the proceedings of both houses, on this important point of privilege, the imprisonment or restraint of their members, we return to the affair of the earl of Bristol.

The Answer of the Lords to the King's Message concerning allowing Counsel to the Earl of Bristol.] May 15th. The lords took into consideration the king's Message, sent to them on the 8th, about allowing the earl of Bristol counsel in his trial. And, upon some former orders of the house being read, it was agreed, upon the question, That the lord keeper should deliver an humble Answer from their lordships to the king concerning the said Message, which was to this effect:—"Whereas his maj. had lately sent to them a Message concerning the allowance of Counsel to the earl of Bristol, their lordships had with all duty advised of that business, and thereupon did humbly signify to him, that the allowance of counsel to the earl of Bristol was ordered before his maj.'s message to them. And that order, as they conceive, did not prejudice any fundamental law of the realm; for, in the parliament of the 22nd of his maj.'s blessed father, a general order was made touching the allowance of counsel to delinquents questioned in parliament; at the voting whereof his maj. then prince, was present; and that order extended further than this late one for the earl of Bristol."

The King's Reply.] May 17. The lord keeper brought a reply from the king to the said Answer, viz.—"That his maj. had advised of it, and as he considered that himself had recommended this cause to their honour and justice, although he knew that by the fundamental laws of the land, or custom and use of parliaments, counsel was not to be allowed to a person accused of high treason; yet, since his-

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maj. might at his own pleasure descend from his own right and prerogative; and that it may appear to all the world that his maj. in his gracious goodness, is pleased to allow the earl of Bristol all ways of defence, in a more ample measure than is due unto him by law; he is content, and doth hereby give full licence, that, in this particular case, the earl of Bristol may have counsel, both to advise him, and to speak and plead for him. But whereas their lordships message put his maj. in mind of a general order, made the 22nd of his blessed father's reign; he remembered that upon the occasion of the earl of Middlesex's cause, which was only criminal and not capital, an order was made in the house, which his maj. never, until now, conceived to extend unto causes capital; and he is well assured, that neither the judges were advised with in making that order, nor his late maj.'s learned counsel heard for him; therefore his maj. was not satisfied about that general order, nor that counsel should be allowed in cases capital, without his licence; and would advise further thereof, and then would send again to their lordships touching the general.—Upon the hearing of this answer from the king, the lords ordered that Mr. Serj. Hedley, Serj. Bramston, Serj. Crawley, and Mr. Anthony Low, should be allowed as Counsel, to speak and plead for the earl of Bristol.

Orders relating to the Duke of Buckingham's Trial.] The same day the duke of Buckingham moved the house, to know whether he should answer the whole Charge, exhibited by the Commons against him, or such parts thereof only as their lordships should appoint: also, whether he should answer the Aggravations of the commons, reported to this house? which he was desirous to do, that he might clear all matters therein.—Upon consideration of this, the lords ordered, "That those Aggravations should be delivered to the clerk, to be kept by him close from all except the members of this house; and no copies to be given to any but them. Likewise, That the duke of Buckingham should answer the engrossed Articles of the Charge sent up by the commons, but not the Aggravations; unless, upon perusal thereof, he should find any thing fit to be answered, or that the house think proper for that purpose. And, for expedition's sake, the duke to have the use of the original Aggravations."

The E. of Bristol brought to the Bar; where he delivered his Answer to the Articles against him.] May 19. The earl of Bristol was brought again to the bar of the lords; when the duke of Buckingham desired that he might have leave to retire, lest his presence should give some distaste to the earl; and he withdrew himself accordingly. Then the lord keeper told the earl, That their lordships did expect his Answer unto Mr. Attorney's Charge (see p. 80.) Upon which he said, "That he had brought his Answer, but desired they would excuse the length thereof; and, as to the Charge, he said, he did not see any direct treason in it, that was laid to his charge; only two points came near it by circumstances, viz. That he is ill-affected to our religion, and well-affected to Spain. For clearing of which he made a large remonstrance of zeal to the true religion, here established, even from his youth to this day; and of his constant and faithful services to the present king, his father of blessed memory, and to the state."—Then he delivered in his Answer, written on paper, but desired that it might be engrossed on parchment, which he said had been done but for want of time. He also desired that no advantage might be taken of any illegal form thereof; and further, that his own counsel might read his Answer, which the house was pleased to allow of; the earl sitting by on a stool all the while, and explaining or enforcing any part thereof.

"The ANSWER of JOHN Earl of BRISTOL to the ARTICLES of several HIGH TREASONS, and other great and enormous Crimes, Offences, and Contempts, supposed to be committed by him against our late sovereign lord king James of blessed memory, deceased; and our sovereign lord the king's maj. that now is; wherewith the said Earl is charged by his maj.'s Attorney General, on his maj.'s behalf, in the most high and honourable Court of Parliament, before the king and the lords there."

"The said earl not acknowledging any of the supposed treasons, crimes, offences, or contempts, wherewith he is charged in and by the said Articles, to be true; and saving to himself all advantage and benefit of exception, to the uncertainty and insufficiency of the said Articles, and several Charges in them contained: and humbly praying that his cause may not suffer for want of legal form, whereunto he hath not been inured; but may be adjudged according to such real and effectual grounds and proofs, as may be expected from an ambassador, the ground of the charge growing thence: and that he may have leave to explain himself and his own meaning, in any thing that may seem to admit of a doubtful construction, for Answer saith as followeth:

I. To the First Article he saith, "That he did not advance or further the design of the king of Spain against our late sovereign lord the king, his children, friends, and allies; or traiterously, falsly, wilfully, or as a traitor to our late sovereign lord the king, by any letters, or other messages, sent in the years 1621, 2, 3, or at any other time, inform, advise, or assure the said late king, that the emperor and king of Spain, or either of them, would really, fully, or effectually make restitution, or plenary restoration, to the count Palatine and his children, of the dominions, territories, and possessions of the said count or of the electoral dignity; or that the king of Spain did really, fully, or effectually intend the Marriage between the lady his sister, and the prince our said sovereign lord, according to the articles formerly propounded

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between the said two kings, as by the said Articles is alledged; neither does or did he, the said earl, know that the emperor and king of Spain, or either of them, never really intended such restitution or restoration as aforesaid, or that the king of Spain never really intended the said Marriage, as by the said Article is alledged; nor doth he the said earl know that the emperor or king of Spain, or either of them, intended by the said Treaties, in the Article mentioned, to give time for compassing their own ends or purposes, to the detriment of this kingdom, as by the said Articles is also alledged; neither was the said late king James made secure upon any such false assurances given unto him by the said earl, or thereby lost the opportunity of time; nor were the dominions, territories, and possessions of the count Palatine, or the electoral dignity, thereby lost, or any part thereof taken out of the possession of the said king James; nor the said count Palatine, the lady Elizabeth his wife, or their children, dispossessed, disinherited, or bereaved thereof, or of any part thereof, by any act or default of him the said earl; nor did, nor was he, the said earl, the cause of any thing to the dishonour of our said late sovereign lord king James, or to the disherison of the said late king's children, or their posterity; to the disanimating or discouraging of any of the rest of the princes of Germany, nor any other kings or princes in amity and league with his said late maj.; nor did any thing in or concerning the same contrary to his duty and allegiance, or contrary to the trust and duty of an ambassador, or falsly, wilfully, or traiterously, or as a traitor to our said sovereign lord the king, in any such sort, or by any such means, ways, or inducements, as by the said Article is supposed, or by any other ways or means whatsoever: but the said earl dealt therein, and in all his said trusts as an ambassador, carefully, faithfully, and honestly, and as became a faithful and loyal subject, servant, counsellor, and ambassador. And for a clear demonstration of the truth and manner of his proceedings, touching the matter contained in the said Article, the same consisting of several parts, viz. the loss of the said Palatinate, and the Match with the said lady of Spain, and of his several employments; as of one extraordinary Ambassage to the emperor, of another to the king of Spain, in the years 1621, 2, and 3, aforesaid, he humbly craveth leave of this most high and honourable court to separate the business, and to distinguish the times."

"And, beginning with the Palatinate first, to give an Account of his Ambassage to the Emperor; and so to make as brief a deduction as he can of his whole carriage in that business, from the beginning of his employment to the time he left it. In this Ambassage to the emperor he propounded all things faithfully according to his instructions; and the answers which he returned to his late maj. were the very same, and none other, than such as were given him by the emperor, under his hand and the imperial seal; the which, according to his duty, he faithfully sent unto his said maj.; and withal, did honestly, faithfully, and truly advertise his said maj. what he understood and thought then upon the place: but was so far from giving unto his said maj. any ill-grounded hopes in that behalf, that he wrote unto the lords of the council, here in England, from Vienna, the 26th of July, 1621, in sort as followeth, viz. "I am further to move your lordships, that there may be a dispatch made presently into Spain, to his maj.'s ambassador and Mr. Cottington, that they there deal effectually for the preparing and ripening of the business against my coming; and that they use some plain and direct language, letting the ministers there know, that the late letter sent by the king of Spain to the emperor, was colder and more reserved than his maj. had reason to expect. I shall conclude with telling your lordships, that tho' I despair not of good success in this knotty business, yet I hope his maj. and your lordships lay not aside the care of all fitting preparations for a war, in case a peace cannot honourably be had; and amongst other things, I most earnestly recommend unto your ldps. and, by your lordships, unto his maj. the continuing abroad, yet for some small time, of sir Rob. Mansel's fleet upon the coasts of Spain; which, in case his maj. should be ill-used, will prove the best argument he can use for the restitution of the Palatinate."—And the said earl further saith, That this his advice was really seconded by his actions, by being the cause, as he returned homeward out of Germany, of the bringing down of the count Mansfelt, whereby the town of Frankendale was relieved, and, by supplying of his maj.'s army, then in great distress, with money and plate, to the value of 10,000*l.* meerly out of his zeal and affection to the good of the king and his children, having no order or warrant for the doing of it; but might easily have excused it, either thro' want of order, or want of means; but that his heart was ever really bent in effects more than shews, to serve the king's son-in-law and his cause, as by the discourse of this business will appear. And how acceptable these services then were, will appear by the Letters of the Queen of Bohemia, dated in Oct. 1621, in these words following:—"My lord; Having understood from Heidelberg, how you have shewn your affection to the king and me in all things, and in the help of money you have lent our soldiers, I cannot let such an obligation pass without giving you many thanks for it by these lines, since I have no other means to shew my gratefulness unto you; howsoever, assure yourself, that I shall never be forgetful of the testimonies you give me of your love, which I entreat you to continue, in doing the king and me all the good offices you can to his maj. you have been an eye-witness of the miserable estate our countries are in: I intreat you therefore to solicit his maj. for our help. You have given me assurance of your affection, I intreat you now to shew it by helping us, in your good endeavours to his maj.

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and you shall ever bind me to continue, as I am already, your very affectionate friend,

'ELIZABETH.'

"The earl likewise received several other letters, about the same time, both from the king of Bohemia and council of Heidelberg, to the same effect. And how much satisfaction his late maj. received in that behalf, and touching that business, will several ways appear, and particularly by his speech to the parliament. And the said earl likewise appealeth to both houses of parliament, to whom, by his late majesty's order, he gave a just and true Account of that employment; with what true zeal he proceeded, and how he pressed that single treaties and promises might no longer be relied on, but that a fitting preparation for a war might go, hand in hand, with any treaty of accommodation; and, for a conclusive testimony of his late majesty's approbation of his carriage in this employment, he humbly desireth that a letter of the duke of Buckingham's, under his own hand, bearing date the 11th of Oct. 1621, may be read: viz.—"My lord, I am exceeding glad your ldp. hath carried yourself so well in this employment, that his maj. is not only infinitely pleased for the service you have done, for which he commanded me to give your ldp. thanks in his name, until he see you himself; but that you have given all men cause to commend his majesty's choice of such a man, that, unless your heart had gone with the business, could never have brought it to so good a pass. Amongst other things his maj. liketh very well the care of clearing his honour, whereof he will advise further with your ldp. at your coming over. I hope you will not find your negotiation with the Infanta of such difficulty as you seem to fear in your letter, seeing my brother Edward hath brought with him a letter from his majesty's son-in-law, whereby he putteth himself wholly to his majesty's advice and pleasure for his submission. And as for the money your ldp. hath so very seasonably laid out, his maj. will see you shall sustain no loss; holding it very unreasonable you should suffer any thing by the care of his service, which you have shewed so much to his contentment, and the great joy of your lordship's faithful servant, G. BUCKINGHAM."

"Having given this Account of his Employment with the Emperor, he humbly craveth leave to make it known in what sort, before this his employment, he endeavoured to serve the prince Palatine and his cause; which will best appear by his majesty's own testimony, upon the going of sir Fran. Nethersale to the prince Palatine; at which time his maj. being, out of his royal and just heart, desirous to do a faithful servant right, commanded sir F. Nethersale to let the prince Palatine understand how good a servant the said earl had been unto him, and how active in his affairs; as will best appear by a dispatch of sir F. Nethersale, written all in his own hand, to sir Geo. Calvert, in answer to what was commanded him, dated at Prague 11th Aug. 1622, and sent by his late maj. to the said earl for his comfort, being as followeth:—'Right Hon. 'That you may the better be assured, that I 'have neither forgotten nor neglected the com- 'mandment received from his maj. by your ho- 'nour, you will be pleased to have the pati- 'ence to hear me report what I said to the 'king upon delivery of my lord Digby's letters 'to his maj. which was, that the king my 'master, whose justice is so much renowned 'over the world, did use to shew it in nothing 'more than in vindicating his servants from 'wrongful opinions, whereof he knew noble 'hearts were more sensible than of injuries 'done to their persons or fortunes; that, out 'of his royal disposition, his maj. having found 'my lord Digby mistaken by some of his people 'at home, by occasion of his being by him 'employed in the affairs with Spain; and hav- 'ing thereupon conceived a jealousy that the 'said noble lord might also be misreported 'hither to the prince Palatine, had, in that 'respect, given me a particular commandment 'to assure the prince, that his highness had 'not a more truly affectionate servant in 'England; and, for proof thereof, to let the 'prince understand, that whereas the baron 'Donagh, now his highness's ambassador in 'England, had, since his coming thither, ob- 'tained but three great points for his master's 'service, to wit, the Loan of Money from the 'king of Denmark, the Contributions in Eng- 'land of the city and country, and the sending 'of Ambassadors to the contrary party: that 'the lord Digby had been the first propounder 'of all those to the king my master, before his 'highness's ambassador, or any other of his 'servants in England; although his ldp. had 'been contented, that others who were but 'set on should carry away the thanks and 'prize; because his ldp. being known to be 'the first mover therein, might possibly weaken 'the credit he hath in Spain, and so render 'him the more unable to serve both his own 'master and the prince; in which respect I 'humbly prayed his highness also to keep this 'to himself.'—By which testimony it may appear, as the said earl conceiveth, how he the said earl behaved himself before his said ambassage and in his said ambassage, with his said late majesty's approbation thereof.—Now he most humbly craveth leave to give your lordships an Account how he proceeded after his Return from the emperor's court: as soon as he came into England, he discovered to his maj. and the lords of his council, in what great want he had left the forces in the Palatinate, and solicited the present sending away of money; and thereupon 30,000*l.* was borrowed of sir Peter Vanlore, sir Baptist Kirks, and sir Wm. Cockaine, and presently sent into the Palatinate, besides the 10,000*l.* which he had lent, for which he paid the interest out of his own purse 6 months; having also given, not long before, 500*l.* by way of Benevolence, to the service of the said Palatinate. Now, in the interim betwixt his return from the emperor,

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which was in Nov. 1621, and his going into Spain, in May, 1622, he first gave an Account, as is aforesaid, of his embassage, to both the houses of parliament; and moved them to be as effectual as was possible for the supplying of his maj. and that the money might be wholly employed for the succour of the Palatinate. The parliament being dissolved, he solicited, with great care and industry, the settling of some course for the supplying of the Palatinate; and his maj. was persuaded to maintain 8000 foot and 1600 horse under his own standard, and in his pay, in the Palatinate, and to establish a certain course for the due payment of the said army: and the lord Chichester was upon his, the said earl's motion, sent for out of Ireland; and he, the said earl, by his majesty's commandment, took care of his dispatch. In this estate the said earl left this affair at his departure towards Spain, in 1622, nothing doubting but all things would have effectually and constantly been pursued, according to the order which was settled and resolved on at his departure. On his arrival at the court of Spain, he presently proceeded according to his instructions, pressing the business of the Palatinate as effectually as could be, and faithfully laboured, and effected from time to time, (as far as the point of Negotiation) all the particulars that were given him in charge; as will appear by his late majesty's letters upon every particular occasion. And, if by accident, such as the marquis of Baden, count Mansfelt, and the duke of Brunswick's receiving each of them an overthrow that summer; or by neglect, or ill-ordering the affairs there, (whereof his late maj. so far complained to his son-in-law, as to give order for the withdrawing of his forces, as will appear by his majesty's letters of the 3d of June, 1622, as also by his letter to sir Horace Vere and the lord Chichester, if there were not a speedy redress) those businesses have miscarried, the earl hopeth he shall not be liable to the blame, it having no relation to him or his employment; having so far, and so honestly, with his best affections, employed his care and utmost service in the business: and his maj. was pleased, by many several letters, upon several occasions, to signify his gracious acceptance of his service, as in his letter of the 24th of Nov. 1622, from Newmarket, writing as followeth, viz. "Your dispatches are in all points so full, and in them we receive so good satisfaction, as in this we shall not need to enlarge any further, but only to tell you we are well pleased with the diligent and discreet employing of your endeavours in all that concerneth our service; so are we likewise with the whole proceedings of our ambassador, sir Walter Aston. Thus we bid you heartily farewell."—And afterwards his maj. was likewise pleased, in his letter of the 7th of Jan. 1622, a little before our gracious sovereign lord the king, then prince, his coming into Spain, to write as followeth, viz. "Concerning that other unfortunate knotty affair of the Palatinate, to say the truth, as things stand, I know not what you could have done more than you have done already."—And whereas it is objected, that the Palatinate should be lost by the hopes he, the said earl, gave by his letters out of Spain, it is an objection of impossibility; for there was nothing left but Manheim and Frankendale, when his first letters, out of Spain, could possibly come to his late majesty's hands; for he did not begin there to negotiate in that business until August, 1622; and about that time Heidelberg, and all but Manheim and Frankendale was lost; and Manheim he had saved by his industry, had it not been so suddenly delivered, as is by his maj. acknowledged, by his letter of the 24th Nov. 1622, writing thus, viz. "And howsoever the order given to the Infanta, for the relief of Manheim, came too late, and after the town was yielded into the hands of Tilly; yet must we acknowledge it to be a good effect of your negotiation, and an argument of that king's sincere and sound intention."—And Frankendale being by the said earl's means once saved, was again the second time saved merely by his the said earl's industry, in procuring a letter from the king of Spain, dated the 11th of Feb. 1623, whereupon followed the Treaty of Sequestration, which hath since continued: and he the said earl was so far from hindering succours, by any letter or counsel of his, that he was the solicitor, and, in great part, the procurer of most of the succours that had been sent thither, as is formerly set down: and when his royal maj. that now is, arrived at the court of Spain with the duke of Buckingham, they found the said business of the Palatinate in so fair a way, that the Spanish ministers told them the king should give his late maj. a blank in that business to frame his own conditions, as appeareth by his late majesty's letter of the 8th Oct. 1623, as followeth, viz.

'Our son did write to us out of Spain, that 'that king would give us a blank in which we 'might frame our own conditions, and the 'same he confirmeth to us now.'—And the like touching the blank was also acknowledged by the duke of Buckingham, in his speech in parliament, after the return of his majesty out of Spain. It will appear by the testimony of sir Walter Aston, and by his and the earl's dispatches, that the said earl wanted not industry and zeal in this business; insomuch that the last answer the earl procured therein from the king of Spain, was fuller than he, the said earl, was ordered by his late majesty's latest letters to insist upon; so as by that which hath been alleged, the said earl hopeth your lordships will be satisfied, not only that he wanted neither will nor industry; but that he hath, with all true zeal and affection, and with his own means, faithfully served their majesties and the prince Palatine in this cause. And forasmuch as, in that affair, he had all the assurances that could be betwixt Christian princes; if therein there hath been any deceit (as by the said Article is intimated), which he never knew nor believed, he referreth it to

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God to punish their wickedness; for, betwixt princes, there can be no greater tye than their words, oaths, hands, and seals; all which he procured in that behalf: and both he, the said earl, and sir Walter Aston, were so confident that the business would be ended to his late maj.'s satisfaction, that, in a joint dispatch to his said late maj. of the 23rd of Nov. 1623, after his now majesty's return into England, they wrote as follows:—"We hope that your maj. may, according to your desire, signified to me the earl of Bristol, by the letter of the 8th Oct. give to your majesty's royal daughter, this Christmas, the comfortable news of the near expiring of her great troubles and sufferings; as also unto the prince, your son, the congratulation of being married to a most excellent princess."

"Having thus given your lordships an Account of his proceedings touching the Palatinate, he will, by your lordships good favour, proceed to the other part of the charge concerning the Marriage. And, first, touching the hopes and assurances, that he is charged to have given to his late maj. and ministers of state here in England, of the Spaniards real proceedings in the said Match, when it is said he knew they never meant it; he saith, He never gave any hopes of their real proceeding, but such and the very same that were first given unto him, without adding or diminishing; neither could he have done otherwise with honesty or safety. And he further saith, That the hopes he gave were not upon slight and vain intelligence, but, as well in that of the Match, as the other of the Palatinate, his advertisements were grounded upon all the assurances, both upon word and writing, that could pass betwixt Christians; as will be made evidently appear by his dispatch of the 9th Sept. 1623; which he humbly desireth may be read, if the length of it may not displease: the substance of it being to shew by all the engagements and promises of the king of Spain, that he really intended the Match; and the cause why the conde D'Olivares pretended to the duke of Buckingham, that the Match was not formerly meant, was only thereby to free himself from the treating any longer with the said earl, to the end he might treat for larger conditions, in point of religion, with the said duke; the said conde D'Olivares taking advantage of having the person of his maj. then prince, in their hands: and with this dispatch the said earl acquainted his maj. that now is, then in Spain, before he sent it. And his maj. upon the reading of it, was pleased to say, That the earl had proceeded with so much caution and care, that, in case the Spaniards should be false, he might be sure to shame them for their falshood. By this dispatch the said earl doubteth not but it will appear to this most hon. court, That whilst the treating of that business was in his hands, he proceeded in it, not only with care and industry, but with some measure of vigilancy.—For the clearing of an objection that hath been alleged, viz. That the Match was never meant before the duke's going into Spain, nor after; the earl craveth leave to set down some few reasons, of many, which caused him to believe that the said Match had been really meant; and that it was so conceived, by both their majesties and the king of Spain, and their chief ministers on both sides, for the following reasons: 1. The duke of Buckingham certified to his late maj. That the business of the Marriage was brought to a happy conclusion; whereupon his late maj. was pleased to give order to the said duke and earl to proceed in other business, which his said late maj. would not have treated until the Marriage was concluded; as will appear by a letter of his late maj. jointly to the d. of Buckingham, and the said earl, of the 23d July, 1623. 2. It will appear, by letters of the lord Conway to the d. of Buckingham, bearing date 3rd and 4th Sept. 1623, that the said duke had good assurance of the conclusion of the said Match; and, upon this confidence, all things were put in due execution in England, as had been capitulated; and the lord Conway, and others, fully settled and agreed all the points of immunity and liberty for the Roman Catholics for the use of their religion, as was set down in the Declaration of the 9th Aug. 1623, hereafter mentioned in the Answer to the 5th Article of this Charge. 3. The very day that his now maj. and the d. of Buckingham departed from the Escurial, in Spain, towards England, the said duke solemnly swore to the Treaty of the said Marriage, and the furthering of it all that should be in his power, upon the Holy Evangelists, in the presence of the said earl and sir Walter Aston. 4. The Treaty of Marriage had formerly been signed, sealed, and solemnly sworn to by the king of Spain; and when his maj. and that king took their leaves, the king of Spain did solemnly protest, on the word of a king, faithfully and punctually to perform all that had been capitulated in the Treaty of the Marriage; and hereupon embraced his maj. at his departure: and the very next day sent a letter unto his maj. all written with his own hand, and protesting to make good all that he had capitulated or promised to his maj. at his departure the day before; so that if there were no true meaning on the part of Spain to make the Marriage, as by Mr. Attorney is pretended, yet certainly the said earl hath not been slightly deceived: neither can it be, as he conceiveth, any fault in him; since not only his late maj. but his maj. that now is, and the d. of Buckingham, being then both upon the place, did confidently believe, (and that upon other grounds than the informations, suggestions, or persuasions of the said earl) that the Marriage was really intended; and to that effect, both his late maj. and his maj. that now is, after his return into England, wrote unto him, the said earl, several letters, assuring him that their intents and pleasures were to have the said Match proceeded in: and thereupon the

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powers of his maj. then prince, were again renewed, and sent unto the said earl; so that the said earl having so many and so great causes to be assured that the Match was really intended on both sides, he conceiveth it will be hard for Mr. Attorney to make good that part of his Charge, wherein he affirmeth, That the earl should know the contrary, or give assurances upon false grounds, as in the said Article is alleged."

II. To the Second Article the said earl saith; "That he did not falsely, wilfully, or traiterously, or contrary to his allegiance, or the trust or duty of an ambassador, continue the Treaties upon Generalities, without effectual pressing the king of Spain unto particular conclusions, according to his late maj.'s instructions or directions; nor intended to have continued the said Treaties upon generalities, without reducing them to certainties or direct conclusions; nor did therein any thing to the dishonour of his said late maj. or to the danger or detriment of his maj.'s person, his crown or dominions, or of his confederates or allies, as by the said Article is alledged; but directly denieth all the supposed offences wherewith he standeth charged by the said Article: and, for a clear declaration and manifestation of the truth and manner of his proceedings, that it may appear to this high and most honourable court, how far he hath been from offending in that kind, nor continuing the said Treaties one day longer than necessity enforced, but rather pressing beyond than coming any way short of his instructions and directions: he farther saith, first, as to the continuing of the Treaties upon generalities, that the temporal articles were, by agreement on both sides, not to be treated or settled, until such time as the articles of religion were fully agreed; for that it was held most proper and honourable for both sides, first to see if the difficulties of religion might be reconciled before they passed into further engagements; and the said articles of religion, by reason of the pope's new demands sent into England by Mr. Gage, were not signed nor condescended unto by his late maj. nor his maj. that now is, then prince, until the 5th Jan. 1622, and then were sent away post out of England to the said earl by Mr. Simon Digby, who arrived with them at Madrid in Spain, about the 25th of the same month: but the earl's care was such to have no time lost in the settling the temporal articles, that before he would condescend (so much as de bene esse) unto the articles of religion that they should be sent back again unto Rome, he procured the king of Spain to promise that within the time limited for the procuring of the dispensation (which was by March or April following at the farthest) all the temporal articles should be settled and agreed; to the end the Infanta might be delivered at the spring, as, by the king of Spain's answer in writing, was declared to be that king's intention; and accordingly sir W. Aston and the said earl did, not in general, but most industriously, labour to settle all particular articles, (as they did most of them,) viz. That the portion should be two millions, it appearing that it was so agreed by the late king of Spain, the present king's father; that, the dispensation coming, the despensories should be within 40 days after, and the Infanta's departure from Madrid should be within 20 days after that: and that don Duarte de Portigal should be the man that should attend the Infanta in the journey: and all other particulars necessary for the conclusion of the said Treaty, were by sir W. Aston, the said earl, and the Spanish commissioners, drawn up into heads in writing; and after many debates they were consulted with that king, and the 2nd of March, 1622, O. S. the conde de Gondomar and the secretary don Andreas de Prada, were appointed to come home to the house of the said earl, to signify unto sir W. Aston and himself, (as they did) that the king of Spain had declared his resolution in all the particulars, and given them order to come to a speedy conclusion with them of all things: and that king's answer to that conclusion the earl saw and read, all written with the said king of Spain's own hand.—On the 7th of the same month of March, the king's maj. then prince, and the duke of Buckingham, arrived at Madrid, and then the Spaniards took new hopes, and the negociation was put into a new form; so that where it is objected against the earl, that he entertained and continued the Treaty so long upon Generalities, he conceiveth it is not meant of the spiritual articles, for they were such as were sent from Rome to England, and from thence they came to the earl; and for the temporal articles, they not being to be settled or treated till the articles of religion were concluded, he conceiveth it cannot be alledged with any colour, that in them his maj. was entertained with generalities; since from the time that the said articles of religion were brought unto the said earl by Mr. Simon Digby, being about the 25th of Jan. there were but 6 weeks until the 7th of March following, when his maj. then prince, arrived in Spain; and in the interim all the above specified particulars were settled: and the time that hath been spent in this Treaty hath not been through his the said earl's default, in continuing upon generalities, without pressing to particulars, but hath been caused as well by difficulties which the business brought with it, as also by exterior accidents, viz. the wars of Bohemia, the death of two popes, and of the late king of Spain, without the least fault of the said earl's, as is acknowledged by his late maj. in the said earl's instructions of the 14th March, 1621; neither could any delay therein be attributed unto him the said earl, for he was employed in those times into Flanders and Germany; and sir W. Aston and sir F. Cottington, for the space of 3 or 4 years, were resident in Spain; from whence the hopes they gave were upon all the discreet grounds that ministers can expect from a state: but the earl resumed this business only 6 months before his maj.'s coming into Spain; and he was so desirous to see his maj. then prince, bestowed, that he pressed no-

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thing so much, both to the king and the prince, as that the prince might lose no more time, and rather break the Match with Spain, than suffer any further delays, as will appear by the dispatches from his first arrival at the court of Spain, until his maj. then prince, his coming; for in his letters of the 20th June, 1622, being the first he wrote after his first audience, he was so desirous that no time might be lost, that in them he craveth leave of his then maj. that in case he should find any delays in Spain, he might (without expecting any new order) take his leave and come home. And upon the return of sir F. Cottington in Sept. following, he wrote both to the king and his maj. then prince, viz. to the king as followeth: 'I shall presume to add to that which Mr. 'Cottington shall deliver unto your maj. by 'word of mouth, of the present state of the 'Match, what I conceive to be the right way to 'bring it to a speedy issue; that your maj. will 'be pleased positively to declare what will do in 'point of religion, and that you will appoint me 'a certain limited time, by which this king shall 'procure the dispensation, or conclude the 'Match without it; that in case there should be 'any further delay therein, then, I may declare 'your maj. disengaged, and free to bestow the 'prince in such sort as you shall judge most 'convenient.' And to the prince at the same time he wrote in the subsequent words, viz. 'That 'which will be necessary for his maj. presently 'to do on his maj.'s part, is to declare himself 'how far he will be pleased to extend in point 'of religion, in such form as Mr. Cottington 'will propound unto your highness; and that 'he set me a prefixed limited time to break 'or conclude the Match, either with the dis'pensation or without it; and for the rest it 'may be left to my negociation; but your 'highness may be pleased to hasten this his 'maj.'s resolution with all possible speed.' And the said earl saith: That having received from his said late maj. the resolution in point of religion, and a limited time, according to his desire; he was so precise and punctual therein, that although the making or breaking of the Marriage depended upon it, he would not give one month's longer time, for the procuring of the dispensation, until he had first acquainted his said late maj. therewith, and received his directions under his own hand; as will appear by his said majesty's letters of the 25th Oct. 1622, as followeth:—"Right trusty and well beloved cousin and counsellor, we greet you heartily well. Whereas by your last letters written to our secretary, dated 29th Sept. you are desirous to have our pleasure signified unto you under our own hand, whether we will be contented or not to have a month's longer time for the coming of the dispensation from Rome, than we have already limited unto you, in case they shall there conclude all things else to our contentment, with a resolution to send the Infanta hither next spring; we do hereby declare unto you, that in such case you shall not break with them for a month's longer delay; we also wish you not to trouble yourself with the rash censure of other men, in case your business should not succeed, resting in that full assurance of our justice and wisdom, that we will never judge a good and faithful servant by the effect of things so contingent and variable; and with this assurance we bid you heartily farewell."—And he further said, That when he had agreed unto the Articles of Religion, and that a settled time was appointed for the coming of the dispensation and a conclusion of the Match, although he would bind himself to nothing without his maj.'s approbation, yet, for that no time might be lost, he agreed to the propositions, de bene esse, sent by Mr. Porter on the 10th Dec. 1622; to the end the Articles might be sent immediately to Rome, without losing so much time as to hear first from England, and humbly moved, that in case his maj. should approve of the said Articles, he would send his approbation directly to Rome, for the gaining of time, which his maj. was pleased to do: and at that time he wrote both to his said late maj. and his now maj. then prince, viz. to his maj. as followeth: 'This 'is the true state of the business as it now stand'eth; if your maj. approve of what is done, I 'hope it will have a happy and short conclusion; 'if your maj. think it not fit to allow of these ar'ticles, I have done the utmost of my endea'vours, and shall humbly persuade your maj. 'not to lose a day longer in the Treaty; so 'much it importeth your maj. and your king'doms that the prince were bestowed.'—And to the prince, in letters of the like date, in this sort: 'I presume now to write unto his maj. 'that which I think my duty to say likewise unto 'your highness; That in case you should not 'approve of what is now conditionally agreed, 'you permit not a day more to be lost in this 'Treaty; for it is of so great consequence that 'your highness were bestowed, that it importeth 'almost as much that you were speedily, as 'willingly, married; but I hope that his maj. 'and your highness, will in such sort approve 'of this last agreement, as you will speedily 'bring this long Treaty to a happy conclusion. 'I am out of hope of bringing things to any bet'ter terms, and therefore I deal clearly with your 'highness; and do not only most humbly per'suade, but, on my knees, beg it of you, that 'you either resolve to conclude this Match as 'you may, or speedily to break it off, and be'stow yourself elsewhere; for no less than the 'happiness of your kingdoms, and th security 'of the king your father and yourself, depend 'upon it.'—All which things being considered, the earl most humbly submitteth himself to the judgment of this most high and hon. court, whether those delays, which several accidents have brought forth in this business, can be attributed to his fault; since, on the one side, he hopeth it will evidently appear unto your lordships, That he ever moved his maj. and the prince to admit of no delays, but rather to think of some other course; and, on the other side, it will appear by all his dispatches, that

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he pressed things with the ministers of Spain to as speedy a conclusion, as the utmost terms of fair negotiation and good manners would bear. And whereas it is pretended that the Spaniards should take occasion, by entertaining the said Treaties, to abuse his late maj. (which he knoweth not) yet he saith, That he used all the industry and vigilancy that a careful minister could do, and got from the Spaniards all the assurances, by oaths, words, and writings, which could be expected from Christians, the which he faithfully, without adding or diminishing, represented unto his said maj.; and his said maj. in those times, was pleased to conceive upon those assurances, that they dealt really with him: and he conceiveth that his maj. that now is, then prince, and the d. of Buckingham, were pleased to write as much to the late king's maj. at their first coming into Spain; and that all which the said earl had written touching that employment, was there avowed by the conde D'Olivares, and conde de Gondomar, to the said prince and duke, at their arrival at Madrid; and he hopeth that, when his dispatches are perused, it will appear and be adjudged, That he served his maj. with some measure of vigilancy, as well as fulness of fidelity."

"III. To the Third Article the said earl saith; That he did not, either by word or letters to his late maj. or his ministers, extol or magnify the greatness or power of the king of Spain; nor represented to his late maj. the supposed dangers, that would ensue unto him if a war should happen between him and the said king of Spain; nor affirmed, nor insinuated, as in the said Article is mentioned, to any such intent as by the said Article is alledged. But if he did at any time speak or write of the power or greatness of the king of Spain, or represented any dangers to his late maj. that might ensue, by entering into hostility with the said king, it was as a faithful counsellor and servant to his master, by way of advice and opinion, which he ever delivered sincerely, faithfully and truly, according to the present occasion; and in no wise to any such intents as in the said Article is mentioned, nor to any other evil intent or purpose whatsoever. But he hath been so far from dissuading his late maj. to take arms, that he hath upon all just occasions advised, that all fitting preparations for war might be made, as (beginning with the year 1621, from which time he is only charged,) will appear by his speech in parliament presently upon his return out of Germany, 'That he hoped his maj. would rely no longer upon single treaties, but make all fitting preparations for a war, and that the parliament would enable his maj. thereunto:' and by the care he took before his going again upon his ambassage into Spain, that the establishment of an army, under his maj.'s own standard, of horse and foot, and in his own pay, might be fully settled and provided for, as likewise his advice to the lords of the council, that his maj. might have a curb upon the king of Spain upon all occasions, by continuing of sir Rob. Maunsel's fleet upon the coasts of Spain, as will appear by his letter written from Vienna, 26th July, 1621, mentioned in the Answer to the first Article: by all which it will appear that he laboured and endeavoured, as much as in him lay, that his maj. might be well prepared for any occasion of war which should happen; and he no way remembereth to have discouraged, or to have spoken or written any thing that might have been understood to have tended to the discouraging, his said late maj. from the taking of arms or entering into hostility against Spain; or for resisting of him or his forces from attempting the invasion of his said late maj.'s dominions, or the dominions of his late maj.'s confederates, friends, or allies, as by the said Article is charged against him; nor remembereth that he hath had any cause so to do: but if he hath in any kind spoken or written of Spain, or the power of it, it may have been to his late maj. or to his maj. that now is, by way of discourse; speaking of the solidness of the Spanish proceedings, of their serious and deliberate debating of business before they resolved on them, and of their constant pursuing of them when they were once resolved; wishing that England and other nations would herein imitate them; for that he supposed the right way to impede the Spanish greatness, was to grow as wise as they, and to beat them at their own weapons: but, otherwise, he is confident he hath never been heard to speak, or write, any thing that might give any terror or discouragement to his late maj. or his chief ministers; knowing that England need but little fear the power of Spain, having almost in all attempts and enterprizes won honour upon them. And as for his representing the dangers that might ensue upon a war, though he knoweth not what is aimed at in that particular, yet he is most confident, out of the integrity of his own conscience, that he hath neither said or advised any thing but what befitted a faithful counsellor and an ambassador; which was truly to deliver his opinion as he understood it upon the present occasion: and as for the affirming that his maj.'s quiet should be disturbed, and he not permitted to hawk or hunt, he remembereth not what discourse he may have had or written to any person how fit it might be, upon the being embroiled in so great a war, seriously to attend it, and make it our whole work: but as he is confident it will appear, that what discourse soever it may have been, it wanted not the true zeal and affection which he hath ever borne to the king's service: so he hopeth it will be found not to want that due respect and reverence, on his part, which he ought to shew to so gracious a master; neither can it be conceived, that the considerations of hunting, hawking, or ease, should be considerations worthy so great and prudent a king, to withhold him from a war for the good of Christendom and his kingdoms, if he should be unjustly provoked thereunto."

"IV. To the Fourth Article the said earl

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saith;—That he did not any thing contrary to his duty and allegiance, or contrary to the faith and trust of an ambassador, as by the Article is alledged; but did endeavour the service and honour of his late maj. and no corrupt or sinister ends of his own, or his own advancement, as by the Article is alledged. And as for the conference which is pretended he should hold concerning the Treaty, that being told there was little probability that the said treaties would or could have good success, and that he should acknowledge as much; and yet say that he cared not what the success thereof would be, but that he would take care to have his instructions perfect, and to pursue them punctually; and would make his fortune thereby, or words to that effect; he doth not remember to have held any such discourse, though it is true, that the time hath been, many years since, when he thought the Match very unlikely to be effected, in regard of the unequal Answers which were given in prince Henry's time, and the unlikelihood of accommodating the differences of religion and faith. Further, as to the reviving of the said Match for his maj. that now is, that in the first he wished and advised a Protestant Match; but, in the duty of a servant understanding that both their majesties really desired the Match with Spain, he did seriously and faithfully intend the service and honour of their majesties, and effectually endeavoured to procure their ends; and it is very likely he might say he would get his instructions perfect, and to pursue them punctually, as he conceiveth was lawful and fit for him to do; but for the latter part of this conference, that he should say he would make a fortune by it, or any words to that effect, he was in the year 1621, and ever since, of that rank and quality, both in regard of his employment, fortunes, and his master's favour, that he assureth himself he did not; and dare answer so far for his own discretion, that it was impossible for him to hold so mean and unworthy a discourse."

"V. To the Fifth Article the said earl saith;—That he did not intend or resolve, that if the Marriage in the former Articles mentioned should have been effected, that thereby the Romish religion or the professors thereof should be advanced; or the true religion and the professors thereof discouraged or discountenanced, as by the said Article is alledged; nor did he, to any such end or purpose or otherwise, at any time, counsel or persuade the late king's maj. to set at liberty the Jesuits and priests of the Romish religion; or to grant or allow unto the Papists and professors of the Romish religion a free toleration or silencing of the laws made and standing in force against them, as in the said Article is also alledged; but contrarily, upon all occasions, to the utmost of his power, did labour to prevent all the inconveniences in point of religion, that might come by matching with any princess of a differing religion; as well appeareth by a Paper of his own opinion, That his maj. should marry with a lady of his own religion, as hereafter mentioned in his Answer to the 7th Article: and for further proof thereof he saith, that in the whole Treaty with Spain he ever stood stricter in point of religion than by his instructions he needed to have done, as will appear by the testimony of sir W. Aston, and his dispatches 12th Dec. 1622, and other dispatches, which he desireth may be read: and as for counselling or persuading to set at liberty Jesuits or priests, he utterly denieth to have done any such thing, as before he hath answered; although it be true that the embassage of Spain being far different from employments in other places, where there is a body of our reformed religion, and where his maj. hath kindred and allies, whereby his maj.'s ministers may be informed of the necessary occurrents of state, without the help of a priest or Jesuit; but in Spain there being none but Roman-Catholics, nor any other manner of correspondency or intelligence but by them, the ambassadors must make use of all sorts of people, especially of Jesuits and priests; and to that purpose ambassadors thither have always a particular warrant under the king's hand, to treat and make use of priests, Jesuits, and all other sorts of men, unless it be such as be proclaimed rebels; and divers times the ministers employed in Spain, to gratify some whom they there employed for the king's service, as he believeth, at their particular suit, moved his maj. to extend grace and favour to some particular friend or kinsman of theirs, being a Roman-Catholic and imprisoned in England; and this he remembereth to have happened to others, but doth not remember to have written himself to his late maj. in that kind: and, as concerning his advice and counsel to set at liberty Jesuits and priests, the granting to the Papists a toleration, or a silencing of the laws against them, he saith, That his late maj. was engaged by the Treaty of Madrid in 1617, in divers matters concerning religion, as likewise by promises to the conde de Gondomar, and his letters to the king of Spain, of the 17th April, 1620, wherein he is pleased to promise some particulars in favour of Roman-Catholics, as by the said letter will appear. And, notwithstanding the said earl had sufficient warrant, under the king's own hand, to assure the king of Spain, that whatsoever was agreed in the said Articles, or in the said letter, his maj. would sincerely perform; yet the said earl was so cautious in that point, that when, for the conclusion of the Match, the other articles of religion being all agreed, it was pressed by the Spanish ministers, that a clause, if convenient, might be inserted, with protestation, that the form and way thereof should be wholly left to his maj.'s wisdom and clemency; and that his maj.'s Roman Catholic subjects should acknowledge this grace only to come from the king's mercy and goodness; yet the said earl would not condescend or assent thereunto, but only de bene esse, as by his letters to Mr. Sec. Calvert, bearing date 8th Oct. 1622, will appear; thereby to give his maj. time to take it into consideration, before he would engage or

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bind him in this point.—And the said earl saith, That he did not by letters, or otherwise, ever counsel or persuade his late maj. to grant unto the Papists and professors of the Romish religion, a free toleration or silencing of the laws made and standing in force against them, but ever protested against any such toleration; and when any such proposition hath been offered to be made in Spain, he hath ever refused so much as to give ear unto it, or to suffer it to be propounded; although it be true he hath since seen a writing touching Pardons, Suspensions, and Dispensations, for the Roman Catholics, bearing date 9th Aug. 1623, signed by some of the lords in England, wherewith he was never acquainted; but it was treated and concluded by others with the Spanish ambassadors here in England, whilst the said earl was in Spain; neither was his advice or counsel in it, for if he had known it he should have protested against it, as far as with duty and good manners he might have done. And so the said earl leaveth it to your lordships, to consider of the difference betwixt the conditions of the Treaty of Madrid of the 12th Dec. 1622, concluded by him and sir W. Aston, and of those which were after concluded here in England, expressed in the said writing; which is ready to be shewn to your lordships if in your wisdoms it shall so seem fit; and then he doubteth not but your lordships will judge the said earl to be very unfortunate to be charged with an Article of this kind."

"VI. To the Sixth Article the said earl saith, "That he gave not any false information or intelligence concerning the Treaties, in the said Article mentioned, either unto the late king, or unto his maj. that now is, then prince; neither doth he know that his late maj. by hopes taken from his the said earl's assurances, or by jealousies or suspicions from the delays in the proceeding with Spain, was enforced for the speedy conclusion of these Treaties, or to the intent to discover the ill intention of the king of Spain and the emperor, to take his journey into Spain, as by the said Article is supposed; for the said earl saith, That the assurances which he gave his late maj. and his maj. that now is, concerning these Treaties, were such as it had been dishonesty and breach of his duty and trust, for him to have held back; being the same that were given him by the emperor, and the king of Spain, and their ministers, upon as great assurances as can pass betwixt ministers of princes in the like cases: and as for the delays of Spain, they could never be so ill, and with so little colour complained of, as at the time of his maj.'s coming thither; for that a certain time was, before then, prefixed for the coming of the Dispensation, viz. in April 1623, at the furthest, which was the next month after the prince's arrival at Madrid; and the desponsories were to have been within 40 days following, and the Infanta to begin her journey into England within 20 days after: so as 3 months patience longer would have shewed the issue of the business, without putting the person of the heir apparent of the crown into so imminent hazard for the trying an experiment; and it is an odd kind of argument, that, because the Spaniards were suspected to have dealt falsely, and so the less to be trusted, therefore the person of the prince should be put into their hands to try conclusions; but the truth is, that though that was made the pretended ground and occasion of the journey, it was neither the assurances of the said earl nor the jealousies of Spain, but other motives, that were the original cause of his maj.'s said journey; as shall be sufficiently made appear in due time: and the said earl having got an inkling thereof, by something that was let fall by the conde de Gondomar to that purpose, instantly dispatched away Mr. Gresley to his late maj. to have the journey prevented; who, upon the confines of France, met his majesty and the d. of Buckingham on their journey towards Spain, and told them as much: so that although he confesseth what is said in the said Charge to be true, viz. That, by the said journey, the person of the prince and the peace and safety of this kingdom did undergo such apparent danger, as, at the remembrance thereof, the hearts of all good subjects do tremble; yet the blame of it is due to the authors and advisers of the said journey, and not to the said earl: and although it pleased God, to the exceeding great joy and comfort of the said earl and of all good men, to send his gracious maj. home with safety; yet never was the person of any prince, upon such grounds, exposed to so great a hazard; and in such cases, not the success but the counsels ought to be considered."

"VII. To the Seventh Article the said earl saith, That he did not move nor persuade his maj. then prince, to change his religion, neither in the manner in the said Article mentioned, nor in any other manner whatsoever; neither did he conceive that the Charge in itself, as it is laid, will, in any reasonable construction, bear any such inference as is made thereupon; so as he conceiveth he needeth not to make any further or other Answer thereunto; yet that it may appear that the motion he made unto the said prince was not traiterously, falsely, or cunningly, or without ground, nor to any such intent as in the said Article is supposed; and to manifest unto this high and honourable court, how far he was from any such intention, he saith, That he doth acknowledge that within few days after his majesty's coming into Spain, whilst he had that great honour to have his maj. lodge in his house, and to have so royal a guest; finding, by the Spanish ministers, that there was a general received opinion in that court, that his majesty's coming thither was with intentions to become a Roman Catholic; and the conde de Gondomar having that very morning pressed the earl not to hinder so pious a work (as he termed it) of his majesty's conversion, and seeming to be assured of the duke of Buckingham's assistance therein; his maj. being all alone in a withdrawing room in

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the said earl's house, the said earl kneeled unto him and told him, That he had a business to impart unto him which highly imported his maj. to know, so he might be sure his boldness therein might be pardoned, which his majesty graciously promised; and thereupon the said earl told his majesty, That the general opinion in the court was, that his majesty's coming thither was with intention to be a Roman Catholic, and there to declare it; and confesseth that, at the same time, in regard of those things which he had heard, he humbly besought his maj. to deal freely with him, as with a servant of whose fidelity he might be confident, or words to that effect: but he was so far from persuading his maj. to be a Roman Catholic, that, without expecting his majesty's Answer, he declared himself to be a Protestant, and so should always continue; yet, he said, he would serve his majesty, and labour to advance his and the king his father's affairs, with as much fidelity and honesty as any Catholic whatsoever: and his majesty was pleased then to make unto the said earl a full and clear declaration of his religion, and of his constant resolution therein; and seemed to be much displeased that any should have so unworthy an opinion of him, as to think he would, for a wife, or any earthly respect whatsoever, so much as to waver in his religion: whereupon the said earl besought his majesty to pardon his boldness, and then intreated him not to suffer his business to be overthrown, by permitting that conceit of his conversion any longer to remain in the Spaniards, nor to do any thing that might give them hope therein, alledging, that it was impossible the Marriage could be without a dispensation, and so long as the Spaniards, who were to procure this dispensation, should have the least hope of his conversion, they would rather clog the dispensation than hasten it; for whilst they should have any hope at all of his conversion, they would never content themselves with the part to which they were tyed by the articles agreed upon with the said earl and sir W. Aston. At which time his maj. was pleased to approve of his opinion, and said, he would expect the dispensation; and did thereupon afterwards send Mr. Andrews to Rome to hasten it. And the next day the said earl dealt very roundly with the said conde d'Olivares and Gondomar, telling them, It was a discourteous manner of proceeding, to press his maj. beyond the conditions which had been formerly agreed upon in point of religion; and to make his condition the worse for the great obligation he had laid upon them, by putting himself into their hands: whereat they took such offence, that they estranged themselves from him for a long time after. And that the said earl did thus proceed with the condes, and that this is not a new-framed Answer to satisfy the present objection, but that which really and indeed passed, will appear by his dispatches sent unto his late maj. before his maj. that now is came out of Spain; and were first there shewed unto his maj. bearing date the 9th Sept. 1622; so that although it be true that the said earl did not dissuade his maj. (for there was no cause for it) yet without expecting his maj.'s Answer, he first made a true and clear profession of his own religion; and when his maj. had declared unto him his zeal and constancy, he humbly besought him that the Spaniards might not, for any respect, be held longer in any hopes in that point.—And because a point of religion is that which all men of honour and honesty should chiefly desire to clear, especially having imputations of that nature laid upon them, as the said earl hath in the said Article; he humbly beseecheth your lordships that he may not seem to digress from the Charge, in tendering to your lordships satisfaction in that particular, not by the aforesaid verbal discourse only, (which he protesteth was with much zeal to religion, and dutiful care to the prince, in that kind) but by some written testimony of his former opinion; both to the Match and Religion, when he was first employed into Spain for the treating of this Marriage in 1617: for his late maj. having commanded him to give an Account thereof unto his maj. that now is; he, at his departure towards Spain, presumed to give unto his maj. his opinion in writing, signed with his own hand, to be kept as a testimony of his future actions; the copy whereof is this that followeth." [Here follows the said Opinion.] "Besides which declaration of the said earl's opinion, he hath all his life, in all places, lived and avowed himself a Protestant, never having done the least act that was not suitable to the same profession; and that in all his foreign employments, for the space of fourteen years, of more than 500 persons of all qualities that have attended him, there was never any one perverted in his religion, save two Irish footmen, who in Ireland had been bred Papists: and he humbly desireth the testimony of Dr. Mawe and Dr. Wrenn, and of Mr. Sampford, one of the prebends of Canterbury, Mr. Boswell, parson of St. Lawrence in London, and Mr. Frewen, divinity-reader in Magdalen-College in Oxon, (all of whom were his maj.'s chaplains in Spain) as well for the frequent use of the sacrament, and constant profession and exercises of religion; and the testimony also of such catholics as are known to have been his ancient acquaintance and friends, and to examine them upon oath, whether either publickly or privately, in Spain or in England, they have known him in any kind to make shew, or so much as forbear upon all occasions avowedly to declare the religion that he professeth; and that the said Mr. Frewen and Mr. Wake, his now chaplains, may be also examined, whether in extremity of several sicknesses, whereunto he hath of late years fallen, he hath not ever settled his conscience with them towards God, and made a confession of his faith, resolving as befitted a Protestant and a good Christian."

"VIII. To the Eighth Article the said earl saith:—That he did not at any time, or in any place, endeavour to persuade the prince to

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change his religion, and to become a Roman Catholic, or to be obedient to the usurped authority of the pope of Rome; neither did the said earl, to that end or purpose, or otherwise, use unto his maj. then prince, the words in the Article mentioned, viz. "That the state of England did never any great thing, but when they were under the obedience of the pope of Rome, and that it was impossible they should do any thing of note otherwise," as in the said Article is charged: but the said earl acknowledgeth, that upon occasion of a letter, which came to his maj. then prince, putting his maj. in mind of the great actions of his royal progenitors in the Holy Wars; and that the great kings of those times did not only employ their forces, but, in their persons, went into the Holy Land; the earl believeth, that, by way of discourse only, and not otherwise, he may have said, that in regard of the difference of religion, it were of more difficulty to undertake such great actions now than in former ages; and it might well be instanced in the present Treaty of Marriage, wherein the pope's consent was to be obtained; and to this effect, and upon the like grounds, he was confident there were very many that have, nay few of nearness about his late maj. that have not, often heard his maj. say, that he was the true martyr, that suffered more for his religion than all the princes of Christendom besides; instancing in divers particulars, but especially in that he could not match his children with kings of their own rank, without the pope's leave: but the said earl saith, That he never alledged any such thing to other purpose, than to shew that only conscience and love to truth, (in which regard protestants suffered much) and not any temporal respects, made us constant and zealous to the profession of our religion; by which discourses he ever attributed much to the sincerity and honour of the protestant religion; but never used it as an argument to persuade, as in the accusation is insinuated. Besides, he conceiveth, that, by way of Answer thereunto, the same question may be asked which his maj. was pleased to ask of the said earl in the 7th Article, viz. 'What the said earl saw in his maj. that he should think him so unworthy as to change his religion for a wife, or any earthly respect whatsoever?' So why should it be thought, that the becoming more fit to undertake great actions in the world, (being a mere moral temporal respect) should be an argument to persuade, in conscience, so religious and wise a prince, and so well instructed as his maj. is; as though the soul of a christian prince was to be wrought upon, in point of truth and belief, by temporal and worldly respects of conveniences and greatness. It were necessary, for proof of this assertion, 'The earl's persuading his maj. touching his religion' to produce some arguments that he used out of the scriptures to satisfy him, in point of conscience, in some tenet of the Romish church; or that he procured any conference with learned men for his satisfaction in point of religion; otherwise, the argument used in this Article against the said earl doth, as he conceiveth, carry little strength to prove the charge of persuading of his maj. either in regard of itself, or indeed in regard of his maj.'s piety."

"IX. To the Ninth Article the said earl saith, That there was a discourse in Spain, of the way of accommodating the prince Palatine's affairs; and, by way of discourse, it was moved, That the marriage of his eldest son with a daughter of the emperor, and his son to be bred in the emperor's court, would be the fairest way for pacifying and accommodating those businesses; and the earl, by way of such discourse, and not otherwise, did say, That he thought his late maj. would not be averse, either to the said Match, or the breeding of the prince Palatine's son with the emperor; so as thereby the whole patrimonial estate of the prince Palatine, with the dignity electoral, might be fully restored; that his son might be brought up in his own religion, and have such preceptors and such a family as his said late maj. and his father, (meaning the prince Palatine) should appoint, and they to have free exercise of their religion; for so his late maj. had often declared himself to the said earl, and wished him to lay hold of any occasion for entertaining of any such proposition; and otherwise than so, and upon the terms aforesaid, and by that way of conference and discourse only, he delivered not any opinion to his maj. at his majesty's being in Spain; for the said earl is very confident that his maj. was returned out of Spain, before any proposition was made for the said Marriage, other than by way of discourse, as aforesaid; the same, as the said earl believeth, being first moved and debated on, by way of proposition, here in England, betwixt Mr. Sec. Calvert and the embassador of the king of Spain, about the 2d of Oct. 1623; and his late maj. upon relation made unto him by a letter of Mr. Sec. Calvert, approved of the proposition, and declared the same to be the only way, as he supposed, with honour, to accommodate those great businesses; and wrote to that purpose to his son-in-law, the prince Palatine, by his letters, dated 19th Oct. 1623, a copy of which letter, together with a copy of Mr. Sec. Calvert's relation, the lord Conway, by his late majesty's commandment, sent unto the said earl.—By which letter, written after his majesty's coming out of Spain, it appeareth unto your lordships, that there was no proposition of the Marriage betwixt the son of the prince Palatine and the emperor's daughter when that letter was written; for therein his maj. saith, he was determined to interest the king of Spain in the business before any such proposition should be made to the emperor: and it will also thereby appear, what his late majesty's opinion was of the conveniency thereof, which he, the said earl, hopeth will acquit him, if, by way of discourse only, he declared what he knew was his majesty's inclination; which, with honesty, he could not have concealed. And the said earl saith, That he doth not remember what answer sir W. Aston made upon

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that discourse which he then delivered, nor what replies the said earl made; but sure he is, that whatsoever the said earl said, or what answers or replies soever were made, as it was by way of discourse, and not otherwise, so it was according to that which he then truly conceived to be the best and easiest way to accommodate the business, and to be his majesty's pleasure, which the said sir W. Aston might be ignorant of, as he is confident he was; and not out of any disaffection to our religion, or any sinister respect or regard to the house of Austria, as by the said Articles is intimated; for he did not conceive the breeding of the Palatine's son with the emperor, having a governor appointed by his late maj. and his father, and he and his domestics to have the free use of their own religion, to be a matter of impossibility, or of such dangerous consequence in point of religion, as to imply his conversion, as by the Articles is intimated; well knowing that, in the emperor's court, all princes there, though his prisoners, and others his counsellors and servants about his person, and of great command in his armies, being avowed protestants, have the free use of their religion: and it is not to be supposed that the son of the prince Palatine, grand-child to the king of Great Britain, should be matched, and no care taken to capitulate for the use of his religion, it being ever granted to the meanest princess that is bestowed; and his majesty's special care in this point is fully seen in the said letter."

"X. To the Tenth Article the said earl saith, That by comparing the above Article, of his too much forwardness, with the second, whereby he is charged with 'continuing the Treaties upon Generalities, without reducing them to certainties and direct conclusions,' your lordships will perceive how impossible it was for him to avoid exception: but for direct Answer to the present Charge, he saith, That he did not presumptuously, nor to his yet knowledge, break his instructions, nor set any day at all for the desponsories; but was therein merely passive, in admitting the day nominated by the king of Spain, according to the capitulation long before made; nor did he presumptuously, wittingly, or willingly, disobey any commandment or direction of his late maj. or his maj. that now is, then prince, which he could understand not to be countermanded, or, by precedent or future instructions, otherwise explained. And for the better manifestation of the truth of his proceedings in and concerning the same, he saith, That on the day of the departure of his majesty, then prince, from the Escurial in Spain, his highness delivered unto him, in the presence of the commissioners on both sides, the powers, with public declaration taken in writing by Serica, secretary to the king of Spain, of the prince's pleasure, and how he, the said earl, should use them, viz. That he should deliver them unto the king of Spain, upon the coming of the dispensation cleared from Rome, according to that which had been agreed, which was to have been within ten days after the coming of the said dispensation. And he further saith, That it is true, that the prince afterwards, by his letters, sent by one Mr. Clark, commanded him, the said earl, not to deliver the said powers till he should have received security that the Infanta, after being betrothed, should not enter into any religious order; and that before he proceeded, he should send unto his maj. then prince, such security as should be offered, that he might judge whether it were sufficient or not; whereupon the said earl, as became a faithful servant, presented unto his late maj. and to his maj. that now is, then prince, such assurances as were offered unto him for securing of that point, together with such reasons as, he conceived, were fit to be offered to their considerations; which gave unto his late maj. and his maj. that now is, then prince, such satisfaction, as they were pleased to dispatch a post presently unto him, absolutely discharging him of that commandment; as by their several letters, dated the 8th of Oct. 1623, will appear;—hereby the said earl was absolutely freed from that commandment; and being so freed thereof, he then remained under the order which his maj. then prince, had left with him at his departure; which was to proceed according to the capitulations, and his highness's declaration when he delivered the said powers unto him; and so he intended to have done, till, by his highness's declaration, of the 13th Nov. 1623, he was directly commanded the contrary; which commandment he readily and punctually obeyed: and for such his intention, till he was so countermanded, he conceived he had not only sufficient warrant, but had highly offended, if he had done otherwise: for, 1. For his proceeding to consummate the Match he had warrant and instruction under his late maj.'s hand. 2. It was the main scope of his ambassage. 3. He was enjoined to that by the king and prince's commission, under their great seals. 4. He had positive orders, under his late maj.'s hand, by letter since. 5. It was agreed, by capitulation, that it should be within 10 days after the coming of the dispensation. 6. His late maj. and his maj. that now is, then prince, signified unto him by their letters, at the same time when they discharged him of his commandment, touching the Infanta's entering into a religious order, that they intended to proceed in the Marriage, as by his maj.'s letter of the 8th Oct. 1623, will appear. 7. The powers were to that end left in his hand, and renewed again after his maj.'s return into England. 8. He had overthrown the Marriage without order; for although sir W. Aston and himself used all possible means for the gaining of time, and deferring of the desponsories, yet the king of Spain caused it formally to be protested, That in case the said earl should insist upon the deferring of the desponsories, he would hold himself freed from the Treaty by the said earl's infringing of the capitulation. And, in truth, although the king of Spain should have condescended to have prorogued the des-

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ponsories until one of the days of Christmas, as by the letter (which is by this Article acknowledged to be mistaken) was required, yet the prince's powers had before that time been expired. 9. He durst not, without a precise warrant, put such a scorn upon so noble a lady, whom he then conceived likely to be the prince's wife, as to nominate a day for the marriage when the powers were out of date. 10. He was himself sworn to the treaty. Lastly, He could not, in honour and honesty, but endeavour to perform that trust reposed in him, when the powers were deposited in his hands, with public and legal declaration taken into an instrument by the secretary of state to the king of Spain, leading and directing the use of them; for the same being then instrumentum stipulatum, as well the king of Spain was interested by the acceptance of the substitution, as the prince by the granting of the powers, and he could not in honesty fail that public trust, without clear and undoubted warrant; which, as soon as he had, he obeyed: so, the case standing thus, the said earl is very confident, that the supposed countermands, or directions of restriction, when they shall be perused and considered of, will appear to have been a very slender and insufficient warrant against the aforesaid orders and reasons, herein before specified: and is also as confident, that what is assumed out of the said earl's dispatches, will also appear to be so understood; and that if he had proceeded to the execution of the desponsories, before he received direct and express commandment to the contrary, by the aforesaid letter of the 13th Nov. 1623, which he readily and punctually obeyed, he had not, under favour, broken his instructions, nor deserved any blame for lack of assurance of restitution of the Palatinate, or temporal articles: and first, of the Palatinate, his maj. did not send unto the said earl express direction not to dispatch the desponsories until a full conclusion be had of the other treaty of the Palatinate, together with that of the Marriage, as by the said Article is alledged; only his late maj. by the aforesaid letters of the 8th Oct. required the said earl so to endeavour, that his maj. might have the joy of both at Christmas; whereas his instructions of the 14th March, 1621, were express, that he should not make the business of the Palatinate a condition of the Marriage; and his late majesty's letters, of the 30th Dec. 1623, were fully to the same effect: yet did the said earl according to what was intimated by the said letters of the 8th Oct. so carefully provide therein, that before the powers were to have been executed, he had an absolute Answer in the business of the Palatinate, that the same should be really restored, according to his late majesty's desire; and the conde D'Olivares, both in his master's name and his own, desired the said earl and sir W. Aston, that they would assure his maj. of the real performance thereof; and intreated them, if need were, they should engage their honours and lives for it, as by their joint dispatch, of the 23d Nov. 1623, will appear; and so much the said sir W. Aston and the said earl agreed should be delivered unto them in writing before they would have delivered the powers, and so the said earl declared it; the which Answer in writing should have been the same, which since was given them of the 8th Jan. 1623: and both the said sir W. Aston, and the said earl were so confident therein, as they, by their said letters of the 23d of November, wrote to his late majesty as followeth, viz.—"That his majesty might according to his desire signified to them by his letters of the 8th of October, give as well to his majesty's daughter, that Christmas, the comfortable news of the near expiring of her great troubles and sufferings, as to his son, the prince, the congratulation of being married to a most worthy and excellent princess."—By which it will evidently appear, he meant not to leave the business of the Palatinate loose when he intended to proceed to the Marriage: but he confesseth he was ever of opinion, the best pawn and assurance his late maj. could have of the real proceedings in the said business of the Palatinate, was, that they proceeded really to the effecting of the Match: and of the same opinion was his late maj. also, and the lords commissioners here in England, as appeareth by his instructions, dated the 14th March, 1621; which opinion still continued in them, as appeareth by his late majesty's letters of the 7th Jan. 1622.—Concerning the Temporal Articles, the said earl saith, When the desponsories were formerly appointed to have been, as he remembereth, on the 9th Aug. before the departure of his maj. then prince, (which was only hindered by the not coming of the dispensation) the prince appointed him and sir W. Aston to meet with the Spanish commissioners; and they drew up the heads of the Temporal Articles, wherewith the prince and d. of Buckingham were acquainted; and in case the dispensation had come, and the desponsories been performed on that day, there had then no other provision been made for them before the Marriage; but presently upon the prince's departure, he, the said earl, caused them to be drawn into form, and sent them to his late maj. the 24th Sept. 1623, desiring to understand his majesty's pleasure with all speed, especially if he disapproved any thing in them; but never received notice of any dislike thereof until the aforesaid letters of the 13th Nov. 1623, which put off the desponsories. So it appeareth the said earl was so far from breaking his instructions, or from having any intention to have proceeded to the execution of the desponsories, before his maj. and the prince were satisfied in the point of the Infanta's entering into religion; or before convenient assurance as well of the restitution of the Palatinate as for performance of the Temporal Articles, that he deserved, as he conceiveth, (under favour) no blame, so much as in intention; but if he had erred in intention only, as he did not, and the same never reduced into act, the fault, as he

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conceiveth, was removed by his obedience before the intention was put in execution; for so it is in cases towards God himself.—And as to the Matter of Aggravation against him, 'That he appointed so short a day for the desponsories, as that, without extraordinary diligence, the prince had been bound:' he thereto saith as before, That he set no day thereto at all, nor could defer it after the dispensation came from Rome, without a direct breach of the Match so long laboured in, and so much desired; yet he and sir W. Aston used all possible industry to discover how the motion of deferring the Match would be taken; and finding an absolute resolution in the king of Spain to proceed punctually in requiring the powers, according to the capitulations, within ten days after the coming of the dispensation; and at that time also getting advertisement from Rome, that the dispensation was granted, and would presently be there: he, the said earl, to the end that, in so great a case, he might have a clear and undoubted understanding of his late majesty's pleasure, sent a dispatch, of the 1st Nov. with all diligence to the king; letting his maj. know that it would not be possible for him to protract the Marriage above 24 days, unless he should hazard the breaking of it, for which he had no warrant; but that this was no new resolution, nor the king so straitened in time, as by the said Article is pretended, will appear by the said earl's dispatch of the 24th Sept. 1623; in which, upon the scruple that was then made of the Infanta's entering into religion, he wrote to the same effect, viz. "That if the dispensation should come, he knew no means how to detain the powers above 24 days." So that although that difficulty happened not until about the middle of Nov. 1623, yet it was foreseen that it must of necessity happen whensoever the dispensation should come; and there was warning of two months time given thereof; viz. from the 24th Sept. to the 29th Nov. which was the time appointed for the desponsories: so he humbly submitteth himself to your lordships which of the two ways was the safer and most dutiful for him to take; whether, upon inferences and conjectures, to have overthrown so great a business; or, on the other side, first to have presented to his maj. with truth and sincerity, as he did, the true state of his affairs, with his humble opinion therein; with an intention, if his maj. should resolve to break the Match, that, for the said earl's honest discharge of the public trust reposed in him, when the powers were deposited in his hands, and for his sufficient warrant in so great a cause, his maj. would be graciously pleased to give him clear and express orders, which he then had not; and, in the interim, whilst his maj. might take into consideration the great inconveniences that might ensue, the said inconveniences might be suspended; and the business kept upon fair terms, that his maj. might have his way and choice clear and unsoiled before him: and as for the evil consequences which are pretended would have followed, if the said earl had proceeded to the consummation of the Match before he had express warrant to the contrary, he must, and doth confess, he then understood the clean contrary; for he supposed that his maj. should speedily have seen the Marriage (which he had so long sought) effected, and the prince should have a worthy lady whom he loved; that the portion was much greater than was ever given in money in Christendom; and that the king of Spain had engaged himself for the Restitution of the Palatinate; for which the said earl conceived a daughter of Spain and two millions had been no ill pawn, besides divers other additions of advantage to the crown of England: whereas, on the contrary side, he foresaw the prince would be kept at least one year longer unmarried, a thing which highly concerneth these kingdoms; he doubted that the Recovery of the Palatinate from the emperor and duke of Bavaria, by force, would prove of great difficulty; and that Christendom was like to fall in a general combustion; so desiring that his maj. should have obtained his ends, and have had the honour and happiness not only to have given peace, plenty, and increase to his own subjects and crowns; but to have compounded the greatest differences that had been these many years in Christendom; and, by his piety and wisdom, to have prevented the shedding of so much Christian blood, as he feared would ensue, if these businesses were disordered. These reasons, he confesseth, and his zeal unto his majesty's service, made him so earnestly desire the effecting of this business: and he cannot but think himself an unfortunate man, that his majesty's affairs being so near the settling to his majesty's content, as he conceived they were, and hoping to have been to his master not only a faithful but a successful servant, to see the whole state of affairs turned upside down, without any the least fault of his; and yet he the only minister, on the English or Spanish side, that remaineth under disgrace."

"XI. To the Eleventh Article the said Earl saith, That the said Article is grounded upon a Petition, preferred by him to this most hon. house, supposed to be scandalous; which your lordships, as he conceiveth, according to the custom and privileges of the house of peers, would have been pleased first to have adjudged so to have been, either for matter appearing in itself, or upon hearing of the said earl; for if the matter appearing in the Petition itself be not excepted unto, it cannot, as he conceiveth, by collateral averment, be taken for a scandal, till it be examined and found false: but, for a plain and direct Answer thereunto, he saith, That the said Petition doth not warrant any such inference, as by the said Article is enforced; and that he hopeth to justify the contents of his said Petition in such sort as shall not displease his maj. nor deserve that expression which is used in the Charge; but, contrarily, what he hath said, or shall say

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therein, in his defence, shall, in all things, tend to the honour and service of his most royal maj. by reducing unto his memory divers circumstances, and laying before him the passages of divers particulars, which, by undue practices, have been either concealed from his maj. or misrelated unto him."

"Having thus offered unto this high and hon. court such proofs and reasons as, he hopeth, shall, in your lordships wisdom and justice, clearly acquit him of any capital crime, or wilful offence: if it shall appear that, out of error of judgment, too much fervency of zeal to his maj.'s service, or ignorance in the laws, wherewith he hath not been able to be so well acquainted as he ought, by reason of his foreign employments for the space of 14 years, or by any other ways or means, he hath fallen into the danger of the laws, for any thing pardoned in the general Pardon made in the 21-st year of our late sovereign lord king James of England, of blessed memory, he humbly prayeth allowance of the said Pardon, and the benefit thereof; with this clause, That he doth and will approve that he is none of the persons excepted out of the same: and though he is very confident that he shall not need the help of any Pardon, having received several significations, as well from his majesty's own mouth, that he had never offended his maj. as lately by several letters from the lord Conway, that he might rest in the security he was and sit still, and should not be further questioned; yet he hopeth your ldps. will find him so free from blame, that he shall need no pardon; but that he hath served his late maj. of blessed memory, and his most gracious sovereign that now is, with fidelity, care, and industry; and that your lordships will take such course, as you, in your wisdoms, shall think fit, not only for the upholding of the honour and reputation of a peer of this realm, after so many employments, but will likewise become humble and earnest suitors to his maj. on his behalf, (which he humbly prayeth) that he may be restored to his maj.'s gracious favour; which, above all worldly things, he most desireth."

The earl of Bristol's Answer being ended, the lord keeper demanded of him if he had any thing more to say. Whereupon the earl complaining of the inequality between himself and the duke of Buckingham, and that, by reason of his restraint, he was disabled from proceeding against the duke, and that his counsel was disheartened to give him their free advice; he earnestly urged their lordships promise to make them both equal; and said, That his counsel informed him there was no treason in all the Charge against him save only what came near a statute touching religion, which he humbly submitted to the house: and besought their lordships to take some course, by the resolution of the judges, or otherwise as they should please, that it may be declared whether his case be treason or not, before he be further proceeded with: likewise, that he might have liberty to examine his witnesses, and that Mr. Attorney might not take hold of any matter of form or legality to his prejudice.

To this Mr. Attorney replied, "That he would not, but only insist upon the matter of the Charge;" and desired, as the earl had done, that the house would direct the course how the witnesses might be examined, and the manner of his further proceeding against the said earl. The earl being withdrawn, the house agreed to give his counsel encouragement for their free and faithful advice to him; and it was further ordered that the said earl should have liberty to go abroad in the custody of Mr. Maxwell, the usher, to take the air for his health's sake; which was granted at his humble request. The earl being called in again was made acquainted with this order, as the king's own consent, for which he returned his maj. and their lordships his most humble thanks.

The Commons commit Mr. More, a Member, for reflecting on the King.] The Commons proceeded for several days, after the last mentioned affair, in reading bills, &c. But, in one of these days debates, Mr. More, a member, dropped some words, which were represented to the king, and, by him, back again to the house: on which a committee was appointed to examine into the matter; and, June 3rd, a report was made, from thence, of the words spoken by Mr. More, "That we were born free, and must continue free, if the king would keep his kingdom:" or words to that effect. And, in the same discourse, upon supposition what a tyrant may do or not do, within this kingdom, he added these words; "As thanks be to God, we have no occasion, we having a just and pious king." Mr. More was heard to explain himself, and then withdrew. But though the Journals say that Mr. More was cleared of any ill intentions, in speaking these words, by all who spake in his favour, which were many; yet, on the question, Mr. More was sentenced to the Tower, and the Speaker pronounced it accordingly. But, four days after, the king was pleased to send a message to the house, That he would remit his further punishment. On which he was ordered to be enlarged.

The Commons lay a Penalty upon absent Members.] About this time a call of the house of commons was made with great strictness; and the absent members ordered to be taken into custody; a penalty of 10*l.* was laid upon any member that did not appear at the call, and yet absents himself from the service of the house, without asking leave.

The Commons order a Letter of Reprimand to the Univ. of Cambridge for chusing the D. of Buckingham for their Chancellor.] June 5th. Mr. Herbert made a report from a committee, That it appeared to them this house had just cause of complaint, on the election of the d. of Buckingham to be chancellor of the University of Cambridge; and do think fit, that a lettter should be written to the corpo-

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ration of that university, to signify that dislike; and to require them to send some of their body instructed and authorized to inform and give account to this house, of the manner of their proceeding in the said election.—Rushworth acquaints us, "That great interest was made by the court to carry this point; and that several letters were pretended to be sent, by the king himself, in order to discourage all opposers. But, notwithstanding that the heads of houses and the doctors were almost unanimously in the duke's interest; yet a strong party was formed against him, amongst the juniors; and, at the election, he carried it by only 5 voices; the numbers being, for the duke 108, and 103 for the earl of Berkshire; besides that two of the duke's were void by statute, as being given to the vice-chancellor by compromise, to dispose of as he should think fit."—The disgust of the commons against the university was, that they should pretend to chuse a man, who then stood impeached by them, for several high crimes and misdemeanors. Accordingly, the opinion of the committee for writing a letter to Cambridge, &c. was readily complied with, and ordered to be done, by the whole house. But, June the 6th, when the letter was read by Mr. Pym and approved on, the chancellor of the exchequer, sir Rd. Weston, told the house, "That the king, being acquainted with their intention, had commanded him to signify his pleasure to them, that they forbear to send the letter." The further consideration of this message was deferred to the next day. And, June 7th, the house, in a grand committee, agreed upon the following Answer to it.

"That they do acknowledge they were about to write to the University, because that the very election itself, whereby the University is committed to the government of one that is charged, and publicly complained of by the commons in parliament, whereof the electors are a part, is, in itself, a very great grievance, and prejudicial in example; whereof they have reason to be the more sensible, because they are informed, that in the manner of the election there were many passages likewise done in contempt of the house: and do humbly beseech his maj. to believe, that neither in this, nor any other thing, this house did or shall intend to enlarge their own power and jurisdiction, to the diminution of his maj.'s right or prerogative."

Whereunto his maj. replied by the said sir Rd. Weston:—"That the University of Cambridge and all corporations derive their right and privilege from him; and that he hath reason to esteem the Universities above any other, and is resolved to defend them against any, which either wilfully, or by chance, shall go about to infringe their liberties. Concerning the election itself, his maj. is far from conceiving it a grievance; for he never heard that crimes objected, were to be taken as proved; or, that a man should lose his fame or good opinion in the world, upon an accusation only. But whereas you say in the manner of carriage of the election, there were many passages done in it to the contempt of the house: his maj. is well pleased that you enquire and punish the offenders, if there be any that have misbehaved themselves in that respect. But for the election itself or the form of it, his maj. doth avow his first Message."—It is probable, that the house was in some measure satisfied by the king's Reply, or seemed to be so: for it was referred to a farther consideration from time to time, till we hear no more of it.

The D. of Bucks' Speech upon presenting his Answer to the Commons, Impeachment.] June 8. The duke of Buckingham gave in his Answer to the house of lords concerning the Articles of his Impeachment, p. 106. But before he delivered it, he made the following speech.

"My Lords, In a cause of pressure considered by itself, I have a fair beginning; as it is a debt due to your lordships for this noble favour in leaving it to my choice, whether I would answer to every particular in the aggravation, or not. I may without lessening any obligation, say, the favour is of greater extent than at first may be imagined; for what is my cause now may be yours or your posterities hereafter. I have in a manner tied myself only to my Charge, hoping, if I give your lordships satisfaction in that, the aggravations will fall of themselves. I could not well have followed the aggravations, being composed of words which, I hope, my actions have not deserved, and I am sure my ears have not been acquainted with, without some distraction of spirit: yet I have left nothing of them unanswered that is material. I have used as much speed to come to my Answer as conveniently I could, without prejudice to my cause, having already had my reputation too long upon the stage; and had your lordships called for it sooner I had been as ready as now I am desirous to detain your lordships as little as may be, with the expectation of my particular, from weightier business. I was also grieved that my business should be the cause of the loss of this year for foreign attempts, and the hindrance of those resolutions that would have comforted our friends abroad, and secured ourselves at home: but, in this, my lords, I am sure, you will easily acquit me in your thoughts. When I look upon my Charge in general, as the commons did, without searching into the integrity of my own heart and actions, which are yet unknown to most of them, I wonder not so much at their proceedings, the particulars not being voted against me unanimously; but, had they taken the means to have been better and more truly informed of the particulars, or had given me cause to have informed them, I assure myself they had not troubled your lordships with this Charge. I confess there hath been that contestation in the house of commons concerning my justification, that I cannot but acknowledge much favour there from many, and if the actions of some others of that house do not make them conclude me of a worse

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disposition than I shall hereafter be found, there is none but may say with me, 'I am at peace with all.' I shall now, for the present, only apply myself to the clearing my reputation, and for the future to those actions and endeavours which may repossess me of that I have accounted one of my greatest losses, their good opinions. I would not speak nor profess this before your lordships, if reason and my own disposition did not warrant the performance of it. For, first, who accused me? Common Fame. Who gave me up to your lordships? The house of commons. The one is too subtle a body, if a body; the other too great a one, for me to contest with: I am confident, when my Cause shall be tried, neither the one or the other, or part of either, will be found to have any ground to be my enemy. But as Fame is subtle, so it is often, and especially in accusations, false: therefore though the house of commons have not willingly wronged me: yet I am confident it will at length be found, that Common Fame hath abused both them and me. I presume the house of commons have proceeded against me, out of an hearty and zealous affection, to do their king and country service; and, I hope, out of Christian charity, to punish or amend my faults, (if Fame could have proved them) and not to ruin my reputation, or destroy my fortune. I shall never call such proceedings wrong, which, seeking to cure my errors, give me opportunity to clear and publish my innocency. For the State itself, I have a little to say; it is but a little: I will not abuse your lordships patience. I was born and bred in it. I owe it my life. I have been raised to honours and fortunes in it, I freely confess, beyond my merits. What I wanted in sufficiency and experience for the service of it, I have endeavoured to supply by care and industry. Could there be the least alienation hereafter of my heart from the service of the state, for any thing that hath past, I should be the ungratefullest man living. Should but such a thought stain my heart, I should be content it were let blood. If my posterity should not inherit the same fidelity, I should desire an invertion in the course of nature, and be glad to see them earthed before me. My Answer to the several points of my Charge I shall crave leave to deliver briefly in writing and in form of law; but as naked as truth loves to be: and so I leave myself and my Cause to your lordships justice."

Then his grace presented his Answer, and gave the same to the lord keeper, and his lordship to the clerk, which followeth in hæc verba:

"The Humble ANSWER and PLEA of GEORGE Duke of BUCKINGHAM, to the DECLARATION and IMPEACHMENT made against him, before your Lordships, by the Commons House of Parliament. (See p. 106.)

"The said duke of Bucks. being accused, and sought to be impeached before your lordships, of the many misdemeanors, misprisions, offences, and crimes, wherewith he is charged by the commons house of parliament, and which are comprised in the Articles preferred against him and were aggravated by those whose service was used by that house in the delivery of them; doth find in himself an inexpressible pressure of deep and hearty sorrow, that so great and so worthy a body should hold him suspected of those things which are objected against him, whereas, had that honourable house first known the very truth of those particulars, whereof they had not there the means to be rightly informed; he is well assured, in their own true judgments, they would have forborn to have charged him therewith. But the integrity of his own heart and conscience, being the most able and most impartial witness, not accusing him of the least thought of disloyalty to his sovereign or to his country, doth raise his spirits again to make his just defence before your lordships; of whose wisdom, justice, and honour he is so well assured, that he doth with confidence, and yet with all humbleness submit himself and his cause to your examinations and judgments; before whom he shall, with all sincerity and clearness, unfold and lay open the secrets of his own actions, and of his heart; and, in his Answer, shall not affirm the least substantial, and as near as he can, the least circumstantial point, which he doth not believe he shall clearly prove before your lordships."

"The Charge consisteth of 13 several Articles, whereunto the duke, saving to himself the usual benefit of not being prejudiced by any words, or want of form, in his Answer; but that he may be admitted to make further explanation and proof, as there shall be occasion; and saving to himself all privileges and rights belonging to him as one of the peers of this realm, doth make these several and distinct Answers following, in the same order they are laid down unto him."

"I. To the First Article, which concerneth the Plurality of Offices which he holdeth, he answereth thus.—That it is true that he holdeth those several places and offices, which are enumerated in the preamble of his Charge, whereof only three are worthy the name of offices, viz. the Admiralty, the Wardenship of the Cinque-Ports, and Mastership of the Horse; the others are rather titulary and additions of honour: for these offices he humbly and freely acknowledgeth the bounty and goodness of his most gracious master, who is with God; who, when he had cast an eye of favour upon him, and had taken him into a more near place of service about his royal person, was more willing to multiply his graces and favours upon him than the duke was forward to ask them; and, for the most part, as many honourable persons, and his now most excellent maj. above all others, can best testify, did prevent the very desires of the duke in asking: and all these particular places, he can and doth truly affirm, his late maj. did bestow of his own royal motion, except the Wardenship of the Cinque-Ports only; and thereto also he gave his appro-

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bation and encouragement. And the duke denieth, that he obtained these places either to satisfy his exorbitant ambition, or his own profit or advantage, as is objected against him, and he hopeth he shall give good satisfaction to the contrary in his particular Answers ensuing, touching the manner of his obtaining the places of the Admiralty, and the Wardenship of the Cinque-Ports; whereunto he humbly desireth to refer himself.—And for the Mastership of the Horse to his maj. he saith, It is a more domestic office of attendance upon the king's person, whereby he receiveth some profit; yet but as a conveniency to render him more fit for his continual attendance; and in that place, the times compared, he hath retrenched the king's annual charge, to a considerable value, as shall be made apparent.—And for the Number of Places he holdeth, he saith, That if the commonwealth doth not suffer thereby, he hopeth he may, without blame, receive and retain that which the liberal and bountiful hand of his maj. hath freely conferred upon him. And it is not without many precedents, both in antient and modern times, that one man, eminent in the esteem of his sovereign, hath, at one time, held as great and as many offices: but when it shall be discerned, that he shall falsely or corruptly execute those places, or any of them; or that the public shall suffer thereby, he is so thankful for what he hath freely received, that, whensoever his gracious master shall require it, he, without disputing with his sovereign, will readily lay down at his royal feet, not only his places and offices, but his whole fortune and his life, to do him service."

"II. To the Second Article, his buying the Admiral's Place, the said duke maketh this clear and true Answer.—That it is true, that in Jan. in the 16th year of his late maj.'s reign, his late maj. did, by his letters patent, grant unto the duke the office of Lord Admiral for his life; which grant, as he well knoweth it, was made freely, and without any contract or bargain with the late lord admiral, or any other, and upon the voluntary surrender of that noble and well-deserving lord, so he is advised it will appear to be free from any defect in law, by reason of the statute 5 Edw. 6. mentioned in the Article of his Charge, or for any other cause whatsoever; for he saith the true manner of his obtaining this office, and of all the passages thereof, which he is ready to make good by proof, was thus: that hon. lord, the late earl of Nottingham, the lord admiral, being grown much in years, and finding that he was not then so able to perform that which appertained to his place, as in former times he had done to his great honour; and fearing lest his maj.'s service and the commonwealth might suffer by his defect, became an humble and earnest petitioner to his late maj. to admit him to surrender his office. His late maj. was at the first unwilling unto it, out of his royal affection to his person, and true judgment of his worth, but the earl renewed his petitions, and in some of them nominated the duke to be his successor, without the duke's privity or forethought of it. And, about that time, a gentleman of good place about the navy, and of long experience, of himself came to the duke, and earnestly moved him to undertake the place. The duke apprehending the weight of the place, and considering his young years and want of experience to manage so great a charge, gave no ear unto it; but excused it, not for form, but really and ingenuously out of the apprehension of his then unfitness for it. The gentleman not thus satisfied, unknown to the duke, applied himself to the late king, and moved his maj. therein, and offered these reasons for it: that the duke was the fittest man at that time, and as the state of the navy then stood, for that place, for he said it was then a time of peace: that the best service that could be done for the present, was to repair the navy and ships royal, which then were much in decay, and to retrench the king's charge and to employ it effectually; that before there was like to be personal use of service otherwise, the duke, being young and active, might gain experience, and make himself as fit as any other: and that, in the mean time, none was so fit as himself, having the opportunity of his maj.'s favour and means to his person, to procure a constant assignment and payment of money for the navy; the want whereof was the greatest cause of the former defects. These reasons persuaded his late maj. and, upon his maj.'s own motion, prevailed on the duke to take the charge upon him: and thereupon the earl voluntarily, freely, willingly, and upon his own earnest and often suit, surrendered the place; without any precedent contract or promise whatsoever, which might render the duke in the least degree subject to the danger of the law, which was not then so much as once thought upon; and upon that surrender, the grant was made to the duke: but it is true, that his maj. out of his royal bounty, for recompence of the long and faithful service of the said earl, and for an honourable memory of his deserts to him and the crown of England, did grant him a pension of 1000*l.* per ann. for his life; which, in all ages, hath been the royal way of princes, wherewith to reward antient and well-deserving servants in their elder years? when, without their own faults, they are become less serviceable to the state: and the duke also voluntarily and freely, and as an argument of his noble respect towards so honourable a predecessor, who, to his death, he called father; and whose estate, as he then understood, was fallen very low; did, with his late majesty's privity and approbation, send him 3000*l.* in money; which he hopeth no person of worth and honour will esteem to be an act worthy of blame in him. And when the duke had thus obtained this place of great trust, he was so careful of his duty, that he would not rely upon his own judgment or ability; but of himself humbly besought his then maj. to settle a commission of fit and able persons for the affairs of the navy, by whose

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counsel and assistance he might manage that weighty business with the best advantage for his majesty's service; which commission was granted, and yet continueth; and without the advice of those commissioners he hath never done any thing of moment; and, by their advice and industry, he hath thus husbanded the king's money, and furthered the service, that where before the ordinary Charge of the Navy was 54,000*l.* per ann. and yet the ships were very much decayed, and their provisions neglected, the charge was reduced to 30,000*l.* per ann.; and with that charge the ships all repaired and made serviceable, and 2 new ships built yearly; and for the two last years, when there were no new ships built, the ordinary charge was reduced to 21,600*l.* per ann. And now he dare boldly affirm, that his majesty's navy is in better state by much than ever it was in any precedent time whatsoever."

"III. To the Third Article, his buying the Wardenship of the Cinque-Ports, he maketh this plain, ingenuous, and true Answer:—That in Dec. in the 22nd year of his late majesty's reign, he obtained the office of Lord Warden of the Cinque-Ports, and Constable of the Castle of Dover (being one entire office) upon the surrender of the lord Zouch, then lord warden. The manner of obtaining whereof, was thus: the lord Zouch being grown in years, and with his almost continual lameness being grown less fit for that place, he discovered a willingness to leave it, and made several offers thereof to the duke of Richmond, and Rd. earl of Dorset, deceased; but he was not willing to part with it, without recompence. Notice whereof coming to the duke, by an offer made from the lord Zouch, he finding by experience how much, and how many ways both the king's service might, and many times did suffer; and how many inconveniences did arise to the king's subjects in their goods, ships, and lives, by the intermixture of the jurisdictions of the admiralty and wardenship of the Cinque-Ports, and by the emulation, disaffection, and contention of their officers, as clearly appear by these particulars, amongst many others which may be instanced. 1. Whereas the admiral-jurisdiction extends generally to all the narrow seas; the warden of the Cinque-Ports hath and exerciseth admiral-jurisdiction on all the sea-coasts, from Show-Beacon in Essex, to the Red Nore in Sussex; and within those limits there have been continual differences between the lord admiral and the lord warden, whether the lord warden's jurisdiction extends into the main sea, or only as far as the low-water-mark, and so much further into the sea, as a man on horseback can reach with a lance; which occasioneth questions between those chief officers themselves. 2. There are many and continual differences in executing of Warrants against Offenders: the officers of the one refusing to obey or assist the authority of the other; whereby the offenders protected or countenanced by either, easily escape. 3. Merchants and owners of goods questioned in the admiralty, are often enforced to sue in both courts, and often enforced, for their peace, to compound with both officers. 4. The king's service is much hindered; for the most usual and ordinary rendezvous of the king's ships being at the Downs, and that being within the jurisdiction of the lord warden; the lord admiral or captains of the king's ships have no power or warrant to press men from the shore, if the king's ships be in distress. 5. When the king's ships, or others, be in danger on the Goodwins, and other places within view of the ports-men, they have refused to help with their boats, lest the king's ships should command them on board; whereby many ships have perished, and much goods have been lost. 6. When warrants come to press a ship in the road for the king's service, the officers take occasion to disobey the warrants, and prejudice the king's service. For, if the warrant come from the lord-warden, they will pretend the ship to be out of their jurisdiction; if the warrant come from the lord admiral, they will pretend it to be within the jurisdiction of the Cinque-ports; and so, whilst the officers dispute, the opportunity of the service is lost. 7. When the king's ships lie near the ports, and the men come on shore, the officers refuse to assist the captains to reduce them to the ships without the lord warden's warrant 8. If the king's ships, on the sudden, have any need of pilots for the sands, coasts of Flanders, or the like, wherein the ports-men are best experienced, they will not serve without the lord warden's or his lieutenant's warrant, who perhaps are not near the place. 9. When for great occasions for the service of the state, the lord admiral and lord warden must both join their authority; if the officers for want of true understanding of their several limits and jurisdictions, mistake their warrants, the service, which many times can endure no delay, is lost, or not so effectually performed.—For these, and many other reasons of the like kind, the duke not being led, either out of ambition or hope of profit, as hath been objected; (for it could be no increase of honour to him, having been honoured before with a greater place; nor of profit, for it hath not yielded him any matter of profit at all, nor is like to yield him above 500*l.* per ann. at any time) but out of his desire to make himself the more able to do the king and kingdom service, and prevent all differences and difficulties which heretofore had, or hereafter might hinder the same, he did entertain that motion: and doth confess, that not knowing, or so much as thinking of the said act of parl. before-mentioned, he did agree to give the said lord 1000*l.* in money, and 500*l.* per ann. in respect of his surrender; he not being willing to leave his place without such consideration, nor the duke willing to have it without his full satisfaction; and the occasion why the d. of Bucks gave that consideration to the lord Zouch, was, because the d. of Richmond in his life time had first agreed to give the same consideration for it; and if he had lived,

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he had had that place upon the same terms: and when the said d. of Richmond was dead, his late maj. directed the d. of Buckingham to enter upon that place, and, for the reasons before-mentioned, to put both these offices together; and to give the same consideration to the said lord, which the d. of Richmond should have given, and his late maj. said he would repay the money. And how far this act of his, in acquiring this office, accompanied with these circumstances, may be within the danger of the law, the king being privy to all the passages of it, and encouraging and directing it, he humbly submitteth to your judgment; and he humbly leaves it to your lordships judgments, in what third way an antient servant to the crown, by age or infirmity disabled to perform his service, can, in an honourable course, relinquish his place; for if the king himself gave the reward, it may be said it is a charge to the crown; if the succeeding officer gave the recompence, it may thus be objected to be within the danger of the law: and howsoever it be, yet he hopeth it shall not be held in him a crime, when his intentions were just and honourable, and for the furtherance of the king's service; neither is it without precedent, that in former times of great employment, both these offices were put into one hand by several grants."

"IV. To the Fourth Article, whereby the not Guarding of the Narrow Seas in these two last years by the duke, according to the trust and duty of an admiral, is laid to his charge; whereof the consequence, supposed to have been merely through his default, are, the ignominious infesting of the coasts with pirates and enemies, the endangering of the dominion of these seas, the extreme loss of the merchants, and the decay of the trade and strength of the kingdom: the duke maketh this Answer;—That he doubteth not but he shall make it appear, to the good satisfaction of your lordships, that albeit there hath happened much loss to the king's subjects within the said time of two years, by pirates and enemies; yet that hath not happened by the neglect of the duke, or want of care and diligence in his place: for whereas in former times, the ordinary guard allowed for the narrow seas hath been but 4 ships, the duke hath since hostility began, and before, procured their number to be much increased; for, since June 1624, there hath never been fewer than 5 of the king's ships, and ordinarily 6 besides pinnaces, merchants ships and drumblers: and since open hostility 8 of the king's ships, besides merchants of great number, and pinnaces, and drumblers; and all these well furnished and manned, sufficiently instructed and authorized for the service. He saith, he hath from time to time, upon all occasions, acquainted his maj. and the council board therewith, and craved their advice, and used the assistance of the commissioners for the navy in this service: and for the Dunkirkers, who have of late infested these coasts more than in former years, he saith, There was that providence used for the repression of them, that his maj.'s ships and the Hollanders joining together, the port of Dunkirk was blocked up, and so should have continued, had not a sudden storm dispersed them; which, being the immediate hand of God, could not by any policy of man be prevented; at which time, they took the opportunity to rove abroad, but it hath been so far from endangering the dominion of the narrow seas thereby, as it is suggested, that his maj.'s ships or men of war, were never yet mastered, nor encountered by them, nor will they endure the sight of any of our ships; and when the duke himself was in person, the Dunkirkers run into their harbours. But there is a necessity that, according to the fortune of wars, interchangeable losses will happen; yet, hitherto, notwithstanding their more than wonted insolency, the loss on the enemy's part hath been as much, if not more, than what hath happened to us; and that loss that hath fallen, hath chiefly come by this means, that the Dunkirkers ships being of late years exercised in continual hostility with the Hollanders, are built of a mold as fit for flight as for fight; and so they pilfer upon our coasts, and creep to the shore, and escape from the king's ships: but to prevent that inconvenience for the time to come, there is already order taken for the building some ships, which shall be of the like mold, light and quick of sail, to meet with the adverse party in their own way. And for the pirates of Sallie, and those parts, he saith, it is but very lately that they found the way unto our coasts, where, by surprize, they might easily do hurt; but there hath been that provision taken by his maj. not without the care of the duke, both by force and treaty, to repress them for the time to come, as will give good satisfaction. All which he is assured will clearly appear upon proof."

"V. To the Fifth Article the duke maketh this Answer; That about Sept. last, this ship called the St. Peter, amongst divers others, was seized on as a lawful prize by his majesty's ships, and brought into Plymouth, as ships laden by the subjects of the king of Spain; in the end of Oct. or beginning of Nov. they were all brought to the Tower of London, all of them were there unladen but the Peter, and the bulk of her goods was not stirred, because they were challenged by the subjects of the French king; and there did not then appear so much proof against her, and the goods in her, as against the rest. About the middle of Nov. allegations were generally put in against them all in the Admiralty-court, to justify the seizure; and all the pretendants were called in: upon these proceedings, divers of the ships and goods were condemned, and divers were released in a legal course; and others of them were in suspence till full proof made. The 28th of Dec. complaint was made on the behalf of some Frenchmen at the council-board, concerning this ship and others, when the king, by advice of his council (his maj. being present in person) did order, That the ship

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of Newhaven, called the Peter, and the goods in her, and all such other goods of the other prizes, as should be found to appertain to his maj.'s own subjects, or to the subjects of his good brother the French king, or the States of the United Provinces, or any other princes or states in friendship or alliance with his maj. should be delivered: but this was not absolute, as is supposed by the Charge, but was thus qualified, so as they were not fraudulently coloured; and it was referred to a judicial proceeding. According to this just and honourable direction, the king's advocate proceeded upon the general allegations formerly put in the 26th of Jan. after there was a sentence in the admiralty, that the Peter should be discharged; and the king's advocate, not having then any knowledge of further proof, consented to it: but this was not a definitive sentence, but a sentence interlocutory, as it is termed in that court. Within few days after, this ship prepared herself to be gone, and was falling down the river: then came new intelligence to the lord admiral by the lieut. of the Tower, that all those ships were laden by the subjects of the king of Spain; that the Amirantasco wafted them beyond the North-Cape; that they were but coloured by Frenchmen; that there were witnesses ready to make good this new allegation; neither was it improbable to be so, for part of the goods in that ship have been confessed to be lawful prize. This ship being now fallen down the river, and being a ship of the most value of all the rest, the duke acquainted the king therewith; and, by his commandment, made stay of the ship, lest otherwise it should be too late; which the duke, in the duty of his place of admiral, as he believeth, ought to have done, without such command: and if he had not done so, he might worthily have been blamed for his negligence; and then instantly he sent for the judge of the admiralty, to be informed from him, how far the sentence already passed, did bind, and whether it might stand with justice to make stay of her again, she being once discharged in such manner as before. The judge answered, as he was advised, That it might justly be done, upon better proofs appearing; yet discreetly, in a matter of that moment, he took time to give a resolute answer, that in the interim he might review the acts which had passed. The next day, or very shortly after, the judge came again to the duke, and, upon advice, answered resolutely, That the ship and goods might justly be stayed, if the proofs fell out to be answerable to the informations given; whereof, he said, he could not judge, till he had seen the depositions. And according to this resolution of the judge, did five other learned advocates, besides the king's advocate, concur in opinion, being intreated by the duke to advise thereof; so cautious was the duke not to do any unjust act. Then he acquainted the king again therewith, and his maj. commanded him to re-seize this ship, and to proceed judicially to the proofs; and the duke often required the king's advocate to hasten the examination of the witnesses; and many witnesses were produced and examined in pursuance of this new information. But the French merchants, impatient of any delay, complained again to the council-board, where it was ordered, not barely, That the ship and goods should be presently delivered, but should be delived upon security; and, upon security, she had been then delivered, if it had been given; and security was once offered, but afterwards retracted: and when all the witnesses produced were examined, and published, the king's advocate having duly considered of them, forthwith acquainted the duke, that the proofs came too short for the Peter; and thereupon the duke instantly gave order for her final discharge, and she was discharged by order of the court accordingly.—By which true narration of the fact, and all the proceedings, the duke hopeth it will sufficiently appear, that he hath not done any thing herein, on his part, which was not justifiable, and grounded upon deliberate and well-advised counsels and warrant. But for the doing of this to his own lucre and advantage, he utterly denieth it; for he saith, that there was nothing removed out of the ship, but some moneys, and some small boxes of stones of very mean value, and other small portable things lying above the deck, easily to be embezzled: and whatsoever was taken out of the ship, was first publicly shewed to his maj. himself, and thence committed to the custody of Gabriel Marsh, in the Article mentioned, by inventory, then and still marshal of the admiralty, by him to be safely kept; whereof the money was employed for the king's immediate service, and by his direction, and the rest was left in safe-keeping; and are all since delivered and reimbursed to the owners, or pretended owners thereof; and not a penny profit thereof, or thereby, hath come to the duke himself, as shall be made good by proof: and whereas the suggestion hath been made, That this accident was the cause of the embargo of the ships and goods of our merchants trading in France, he saith, That it is utterly mistaken; for divers of their goods were embargoed before this happened; and if, in truth, the French had therein received that loss, as either they pretend, or is pretended from them; yet the embargoing of the goods of the English upon that occasion, was utterly illegal and unwarrantable; for by the mutual articles between the two kings, they ought not to have righted themselves before legal complaint, and a denial on our part, and then, by way of reprisal, and not by embargo. So that the duke doth humbly leave it to the consideration of your lordships, whether the harm which hath happened to our merchants, hath not been more occasioned by the unseasonable justifying of the actions of the French, which animated them to increase their injuries, than by an act, either of the duke, or any other."

"VI. To the Sixth Article, which consisteth of two main points, the one of the extorting of

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10,000*l.* unjustly, and without right, from the East-India Company; the other, admitting the duke had a right as lord admiral, the compassing it by undue ways, and abusing the parliament, to work his private ends; the duke giveth this Answer, wherein a plain narration of the fact, he hopeth, will clear the matters objected; and in this he shall lay down no more, than will fully appear upon proof:—About the end of Michaelmas term, 1623, the duke had information given him, by a principal member of their own company, that the company had made a great advantage to themselves in the seas of East-India, and other parts of Asia and Africa, by rich prizes gotten there forcibly from the Portuguese, and others; and a large part thereof was due to his maj. and to the duke as admiral, by the law; for which, neither of them had any satisfaction. Whereupon directions were given for a legal prosecution in the court of admiralty, and to proceed in such matters as should be held fittest by the advice of counsel. In the months of Dec. and Jan. in that year, divers witnesses were examined in the admiralty, according to the ordinary course of that court, to instruct and furnish informative processes in this behalf. After the 10th of March, 1623, an action was commenced in the court, in the joint names of his maj. and the admiral, grounded upon the former proceeding; this was prosecuted by the king's advocate, and the demand, at first, was 15,000*l.* The action being thus framed in both their names, by advice of counsel, because it was doubted in the judgment of the counsel, whether it did more properly belong to the one, or the other, or to both; and such form of entering that action being most usual in that court, on the 28th of April 1624, the judicial agreement and sentence passed thereupon in the admiralty court, wherein the company's consent, and their own offer, plainly appeareth; so that for the second part, of the right, it were very hard to conclude that the duke had no right, contrary to the company's own consent, and the sentence of the court, grounded on their agreement; unless it shall fully appear, that the company was by strong hand enforced thereto, and so the money extorted. Therefore to clear that scruple, that, as the matter of the suit was just, or at least so probable as the company willingly desired it for their peace, so the manner was just and honourable; your lordships are humbly intreated to observe these few true circumstances: the suit in the admiralty began divers months before the first mention of it in parliament; and some months before the beginning of it in that parliament, it was prosecuted in a legal course, and upon such grounds as will yet be maintained to be just. The composition made by the company, was not moved by the duke; but his late maj. on the behalf of himself, and of the duke, treated with divers members of the company about it, and the duke himself treated not at all with them. The company, without any compulsion at all, agreed to the composition; not that they were willing to give so much, if they might have escaped for nothing, but that they were willing to give so much, rather than to hazard the success of the suit: and upon this composition, so concluded by his maj. the company desired and obtained a pardon for all that was objected against them. The motion in parliament about the stay of the company's ships then ready prepared and furnished, was not out of any respect, to draw them the rather to the composition; but really out of an apprehension, that there might be need of their strength for the defence of the realm at home; and, if so, then all private respects must give way to the public interest. These ships, upon the importunity of the merchants, and reasons given by them, were suffered, nevertheless, to fall down to Tilbury, by his late maj.'s directions; to speed their voyage the better, whilst they might be accommodated for this voyage, without prejudice to the public safety; and they were discharged when there was an accommodation propounded and allowed, which was, That they should forthwith prepare other ships for the home service, whilst those went over with their voyage: which they accordingly did. That the motion made in the Commons' house, was without the duke's knowledge or privity. That when there was a rumour that the duke had drawn on the composition by staying of the ships which were then gone, the duke was so much offended thereat, that he would have had the former composition to have broken off, and have proceeded in a legal course; and he sent to the company for that purpose; but the company gave him satisfaction, that they had raised no such rumour, nor would, nor could avow any such thing, and intreated him to rest satisfied with such public acts to the contrary. That after this, their ships being gone, and, being careful of their future security, they solicited the dispatch of the composition; consulted with counsel about the instruments which passed about it, and were at the charge thereof; and the money was paid long after the sentence; and the sentence given after the ships were gone; and no security given at all for the money, but the sentence; and when this money was paid to the duke, the whole sum (but 200*l.* thereof only) was borrowed by the king, and employed by his own officers, for the service of the navy. If these things do, upon proof, appear to your lordships, as he is assured they will, he humbly submitteth it to your judgments, how far verbal affirmations or informations extrajudicial, shall move your judgments, when judicial acts, and those things which were acted and executed, prove the contrary."

"VII. To the Seventh Article, which is so mixed with actions of great princes, as that he dareth not in his duty publish every passage thereof, he cannot for the present make so particular an Answer as he may, hath, and will do to the rest of his Charge. But he giveth this general Answer, the truth whereof he humbly prayeth may rather appear to your

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lordships by the proofs, than by any discourse of his; which, in reason of state, will haply be conceived fit to be more privately handled.—That these ships were lent to the French king at first, without the duke's privity: that when he knew it, he did that which belonged to an admiral of England, and a true Englishman: and he doth deny that, by menace, or compulsion, or any other indirect or undue practice or means, he, by himself, or by any others, did deliver those ships, or any of them, into the hands of the French, as is objected against him. That the error which did happen, by what direction soever it were, was not in the intention any ways injurious or dishonourable, or dangerous to this state, or prejudicial to any private man, interested in any of those ships; nor could have given any such offence at all if those promises had been observed by others, which were professed and really performed by his maj. and his subjects on their parts."

"VIII. To the Eighth Article, wherein he is taxed to have practised for the employment of the ships against Rochel, he answereth;—That he was so far from practising or consenting that the said ships should so be employed, that he shall make it clearly appear, that when it was discovered that they would be employed against those of the religion, the protestation of the French king being otherwise, and their pretence being that there was a peace concluded with those of the religion, and that the French king would use those ships against Genoa, which had been an action of no ill consequence to the affairs of Christendom, the duke did, by all fit and honourable means, endeavour to divert that course of their employment against Rochel, and he doth truly and boldly affirm, that his endeavours, under the royal care of his most excellent maj. have been a great part of the means to preserve the town of Rochel; as the proofs, when they shall be produced, will make appear. And when his maj. did find, that, beyond his intention, and contrary to the faithful promises of the French, they were so misemployed, he found himself bound in honour to intercede with the most christian king, his good brother, for the peace of that town, and of the religion, lest his maj.'s honour might otherwise suffer; which intercession his maj. did so sedulously, and so successfully pursue, that the town and the religion there do, and will, acknowledge the fruits thereof. And whereas it is further objected against him, That when in so unfaithful a manner he had delivered those ships into the power of a foreign state, to the danger of the religion, and scandal and dishonour of our nation, (which he utterly denieth to be so) that to mask his ill intentions, in a cunning and cautelous manner, he abused the parliament at Oxford, in affirming before the committee of both houses, That the said ships were not, nor should be so used or employed, he saith, under the favour of those who so understood his word, That he did not then use those words, which are expressed in the Charge to have been spoken by him; but there being then a jealousy of the mis-employing of those ships, the duke having no knowledge thereof, and knowing well what the promises of the French king were, but was not then seasonable to be published, he hoping they would not have varied from what was promised, did say, that the event would show that it was no undertaking for them; but a declaration of that in general terms which should really have been performed, and which his maj. had just cause to expect from them."

"IX. To the Ninth Article, That the duke did compel the lord Robartes to buy his Title of Honour;—He utterly denieth it; and he is very confident, the lord Robartes himself will not affirm it, or any thing tending that way; neither can he, nor any man else, truly say so. But the said duke is able to prove, That the lord Robartes was willing before to have given a much greater sum, but could not then obtain it; and he did now obtain it by solicitation of his own agents."

"X. To the Tenth Article, For the selling of Places of Judicature by the duke, which are specially instanced in the Charge, he answereth;—That he received not, nor had a penny of either of those sums to his own use; but the truth is, the lord Mandeville was made lord treasurer by his late maj. without contracting for any thing for it; and after that he had the office conferred upon him, his late maj. moved him to lend him 20,000*l.* upon promise of repayment at the end of a year; the lord Mandeville yielded it, so as he might have the duke's word that it should be repaid unto him accordingly. The duke gave his word for it; the lord Mandeville relied upon it; and delivered the said sum to the hands of Mr. Porter, then attending upon the duke, by the late king's appointment, to be disposed as his maj. should direct: and according to the king's direction, that very money was paid out to others, and the duke neither had, nor disposed of a penny thereof to his own use, as is suggested against him. And afterwards, when the lord Mandeville left that place, and his money was not repaid unto him, he urged the duke upon his promise; whereupon the duke being jealous of his honour, and to keep his word, not having money to pay him, he assured lands of his own to the lord Mandeville for his security: but when the duke was in Spain, the lord Mandeville obtained a promise from his late maj. of some lands in free farm, to such a value, as he accepted of the same in satisfaction of the said money, which were afterwards passed unto him; and, at the duke's return, the lord Mandeville delivered back unto him the security of the duke's lands, which had been given unto him as aforesaid. And for the 6000*l.* supposed to have been received by the duke, for procuring to the earl of Middlesex the mastership of the wards, he utterly denieth it; but afterwards he heard that the earl of Middlesex did disburse 6000*l.* about that time, and his late maj. bestowed the same upon sir Henry Mildmay, his servant, without the duke's privity; and he had

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it and enjoyed it, and no penny thereof came to the said duke, or to his use."

"XI. To the Eleventh Article the duke answereth; That it is true, that his late maj. out of his royal favour unto him, having honoured the duke himself with many titles and dignities of his bounty; and, as a greater argument of his princely grace, did also think fit to honour those, who were in equal degree of blood with him, and also to ennoble their mother, who was the stock that bare them. The title of countess of Bucks, bestowed upon his mother, was not without precedent; and she hath nothing from the crown but a title of honour, which dieth with her. The titles bestowed on the visc. Purbeck, the duke's elder brother, were conferred upon him, when he was a servant of the bed-chamber to his now maj. then prince, by his highness's means: the earl of Anglesey was of his late majesty's bed-chamber; and the honours and lands conferred on him were done when the duke was in Spain. The earl of Denbigh hath the honours mentioned in the Charge; but he hath not a foot of land which came from the crown, or of the king's grant. But if it were true that the duke had procured honours for those who are so near and dear unto him, the law of nature, and the king's royal favour, he hopeth, will plead for his excuse; and he rather believeth he were worthy to be condemned in the opinion of all generous minds, if, being in such favour with his master, he had minded only his own advancement, and had neglected those who were nearest unto him."

"XII. To the Twelfth Article his Answer is,—That he doth humbly, and with all thankfulness acknowledge the bountiful hand of his late maj. unto him; for which he oweth so much to the memory of that deceased king, his most excellent maj. that now is, and their posterity, that he shall willingly render back whatsoever he hath received, together with his life, to do them service: but for the immense sums and values which are suggested to have been given unto him, he saith, There are very great mistakings in the calculations, which are in the Schedules in this Article mentioned; unto which the duke will apply particular Answers in another Schedule, which shall express the truth of every particular, as near as he can collect the same, to which he referreth himself; whereby it shall appear, what a great disproportion there is between conjectures and certainties: and those gifts which he hath received, though he confesseth that they exceed his merit, yet they exceed not precedents of former times. But whatsoever it is he hath, or hath had, he utterly denieth that he obtained the same, or any part thereof, by any undue solicitation or practice, or did unduly obtain any release of any sums of money he received; but he having, at several times, and upon several occasions, disposed of divers sums of the moneys of his late maj. and of his maj. that now is, by their private directions, he hath releases thereof for his discharge; which was honourable and gracious in their majesties, who granted the same for their servant's indemnity; and, he hopeth, was not unfit for him to accept of, lest, in future times, he, or his, might be charged therewith, when he could not be able to give so clear an account thereof, as he hopeth he shall now well be able to do."

"XIII. To the Thirteenth Article of the Charge, which is set forth in such an expression of words, as might argue an extraordinary guiltiness in the duke; who, by such infinite bonds of duty and thankfulness, was obliged to be tender of the life and health of his most dread and dear sovereign and master, he maketh this clear and true answer,—That he did neither apply nor procure the plaister or posset-drink, in the Charge termed to be a potion, unto his late maj. nor was present when the same was first taken or applied: but the truth is this; that his maj. being sick of an ague, took notice of the duke's recovery of an ague not long before, and asked him how he had recovered, and what he found did him most good? The duke gave him a particular answer thereto, and that one, who was the earl of Warwick's physician, had ministred a plaister and posset-drink to him; and the chief thing that did him good was a vomit; which he wished the king had taken in the beginning of his sickness. The king was very desirous to have that plaister and posset-drink sent for; but the duke delayed it: whereupon the king impatiently asked, Whether it was sent for or not? And finding by the duke's speeches he had not sent for it, his late maj. sent John Baker the duke's servant, and, with his own mouth, commanded him to go for it: whereupon the duke besought his maj. not to make use of it but by the advice of his own physicians, nor until it should be tried by James Palmer, of his bed-chamber, who was then sick of an ague, and upon two children in the town; which the king said he would do. In this resolution the duke left his maj. and went to London; and in the mean time, in his absence, the plaister and posset-drink was brought and applied by his late majesty's own command. At the duke's return his maj. was in taking the posset-drink, and the king then commanded the duke to give it him; which he did in presence of some of the king's physicians, they then no ways seeming to dislike it, the same drink being first tasted of by some of them, and divers others in the king's bed-chamber: and he thinks this was the second time the king took it. Afterwards, when the king grew somewhat worse than before, the duke heard a rumour as if his physic had done the king hurt, and that the duke had ministred that physic to him without advice. The duke acquainted the king therewith; to whom the king, with much discontent, answered thus, 'They are worse than devils that say it.' So far from the truth it was; which now notwithstanding, as it seemeth, is taken up again by some, and with much confidence affirmed. And here the duke humbly prayeth all your lordships, not only to

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consider the truth of this Answer, but also to commiserate the sad thought which this Article had revived in him.

"This being the plain, clear, and evident truth of all those things which are contained and particularly expressed in his Charge, the rest being general and requiring no Answer: and he being well assured that he hath herein affirmed nothing which he shall not make good by proof, in such way as your lordships shall direct, doth humbly refer it to the judgment of your lordships, how full of danger and prejudice it is to give too ready an ear, and too easy a belief unto reports or testimony without oath, which are not of weight enough to condemn any. He humbly acknowledgeth how easy it was for him in his younger years, and unexperienced, to fall into thousands of errors in those ten years wherein he had the honour to serve so great and open-hearted a sovereign and master; but the fear of Almighty God, his sincerity in the true religion established in the church of England, (though accompanied with many weaknesses and imperfections, which he is not ashamed humbly and heartily to confess) his awfulness not willing to offend so good and gracious a master, and his love and duty to his country, have restrained and preserved him, he hopeth, from running into heinous and high misdemeanors and crimes: but whatsoever, upon examination and mature deliberation, they shall appear to be; lest in any thing, unwittingly, within the compass of so many years, he shall have offended, he humbly prayeth your lordships, not only in those, but as to all the said misdemeanors, misprisions, offences, and crimes wherewith he standeth charged before your lordships, to allow him the benefit of the free and general pardon, granted by his late maj. in parliament in the 21st year of his reign, out of which he is not excepted; and of the gracious pardon of his now maj. granted to the said duke, and vouchsafed in like manner to all his subjects at the time of his most happy inauguration and coronation; which said pardon, under the Great Seal of England, granted to the said duke, beareth date the 10th day of Feb. now last past, and is here shewn forth unto your lordships, on which he doth most humbly rely; and yet he hopeth your lordships, in your justice and honour, upon which with confidence he puts himself, will acquit him of and from those misdemeanors, offences, misprisions, and crimes wherewith he hath been charged; and he hopeth, and will daily pray, that for the future he shall, by God's grace, so watch over his actions, both public and private, that he shall give no just offence to any." [Here follows the Answer of the Duke to these Grants and Gifts contained in the Schedule referred to in the 12th Article.]

After the reading of the above Answer, the duke made a short speech, desiring their lordships to expedite the examination of his cause, and then withdrew himself and departed.

Further Proceedings in the Earl of Bristol's Trial.] June 8. p. m. the earl of Bristol, being before their lordships at the bar, desired leave to move two points: The one, touching the Charge of Treason against himself; the other, touching the Articles exhibited by him, (as an ambassador) against the duke of Buckingham, for his unfaithfulness to the king and state.—As touching the first, he made a large discourse, shewing the manner of his restraint, as in his former speech of May 6th, and that he was not charged with Treason until he first exhibited his Petition to the house, wherein he accused the duke of Buckingham; and that thereupon he was immediately sent for up as a delinquent, contrary to all former proceedings that he ever observed: and it being contrary to the order of this house, to be restrained of his liberty, unless it be for treason or the like, he is therefore charged with treason; and hereupon he besought their lordships to consider how prejudicial this precedent might prove to all their liberties; and that he might have a speedy trial by parliament, for that he feared no man would be of his counsel if the parliament were once ended; and that it might be determined whether his case be treason or not.—As touching the duke of Buckingham, he shewed that his accusation of him is no recrimination, for he originally intended it two or three years since; neither hath the duke any charge depending against him. Then he recited the particulars of Mr. Attorney's Charge against him, and that, whereas he is charged with the prince's journey into Spain, with seeking to convert the prince to popery, and the loss of the Palatinate; he doth charge the duke with plotting with Gondomar, to bring the prince into Spain and to convert him to Popery; and that the duke is in more fault than any other for the loss of the Palatinate.—And that whilst he was in Spain, he wrote to the late king of the duke's unfaithfulness; so that it cannot now be said to be a recrimination.—That yet he is restrained and used as a traitor; and contrariwise, the duke of Buckingham, accused of treason by him, (a public minister of state) hath his liberty.—Then he made two requests unto their lordships; the one, that there might be an equality between him and the duke herein; the other, that Mr. Attorney might proceed against the duke upon his accusation; and he would not only prove the duke's unfaithfulness to the late king and his maj.; but that the Narration which the duke made to both houses in the late parliament is very false."

The earl, having concluded his speech, delivered a petition, which was read, in hæc verba:

"To the Right Hon. the Lords of the Higher House of Parliament. The Humble Petition of John Earl of Bristol.

"1. Humbly beseeching your lordships that you will be pleased to declare, whether the matter of the Charge against him be Treason or no; and that if your lordships shall adjudge it not to be treason, that the words 'Traitor'

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and 'traiterously' may be struck out of the Charge; and some such course taken, as to your lordships shall seem meet for the speedy prosecution and bringing of the cause to hearing. 2. That his own and sir Walter Aston's dispatches might be brought into the court, (being his chiefest evidence) to be used for his defence. 3. That if Mr. Attorney, by his reply, shall give the earl occasion to declare, for his justification, such matters of secrecy and mysteries of state as are not proper to be divulged; your lordships will then be pleased to move his maj. to signify his pleasure, to whom and in what manner it shall be declared. 4. And that the earl may have leave to come with Mr. Maxwell to the house, or wait upon the committees when he shall find it needful for the prosecution of his cause, attending your lordships leisure.

BRISTOL."

The Petition being read, the earl was withdrawn, and the house being put into a committee, it was read again in parts, and fully debated: The house being resumed, it was read again; and these 4 Answers were made unto the 4 several parts of the said Petition, and ordered as followeth, viz.—1. The house to sit to-morrow at 8, and such witnesses to be sworn as Mr. Attorney or the earl of Bristol shall procure; and then the committee to proceed to take the examinations; and the Answer to the rest of this part of the Petition to be deferred to further consideration, after a full examination taken by the committee, and reported to the house. 2. All such dispatches as Mr. Attorney shall make use of against the earl, to be used by the said earl for his defence; and the house to be suitors to the king for any other dispatches, to be brought hither for the said earl's defence, as he shall particularly name. 3. When any such occasion shall be offered, the house will then consider what course to take herein. 4. This is to be granted.

These being thus agreed and ordered by the house, and their lordships having also agreed to give the e. of Bristol a reason why the first part of his said Petition is not fully answered; the e. of Bristol was brought again before their lordships, and the lord keeper signified the said orders unto him: and, having read the first, told him, That the house had not fully granted the first part of this Petition, for two reasons, both in favour to his lordship: The 1st. that they are loth to proceed to declare their opinions or judgments upon the bare charge of Mr. Attorney, before the true case appears upon the proofs: The 2nd, for that if they should declare his cause to be Treason, then his testimony against the d. of Buckingham would be weakened; and the lord keeper having read the 2nd 3rd and 4th orders also, the e. of Bristol gave their lordships humble thanks, and so was withdrawn.

The Lord Conway gives in his Answer to the E. of Bristol's Charge against him.] June 18. The lord Conway put their lordships in mind of several Articles delivered to them by the earl of Bristol against himself, the 1st. of May last; and besought the lords that he might then give in his Answer to the same; which being granted, it was read in hæc verba:

"The ANSWER of the Lord CONWAY to the ELEVEN ARTICLES, delivered against him into the Upper House of Parliament by the Earl of BRISTOL, the 1st day of May. (See p. 88.)"

"I. To the First Article he saith;—He doth acknowledge to owe a great deal of respect, love, and service, to the d. of Buckingham; and doth well remember that a worthy gentleman did invite him to endeavour the reconciliation of the e. of Bristol with the duke; to which also he made answer, That he had both affection and readiness to do all the good offices in his power, and that for the general duty which every man oweth to the works of reconciliation, and for other special motives, as being born in one and the same county, of long acquaintance, nothing having ever passed between the persons of the e. of Bristol and the lord C. but demonstrations of goodwill, and an interest of blood being between the lord C.'s children and the earl, acknowledging withal many lovely parts and powers in him: and it is not unlikely but the lord C. might say, (according to the ingenuous freedom which he useth and cherisheth in himself) that if things should not be reconciled, but break out into opposition between the duke and the earl, he must then declare his greater love to be to the duke than to him; but this the lord C. limited to their particular persons, and hopes it cannot, by any justice, be interpreted to stain him as he is a public minister, a magistrate, or a peer of the realm. All offices and obligations, in those respects, he owes to God and the king, but to no subject; and doth profess and is confident he hath paid them hitherto; and hopes in God to continue so with unblameable integrity."

"II. To the Second Article he saith,—That the artifice the e. of Bristol useth, in mingling truth with untruth, makes it hard to clear it without much prolixity; which the lord C. thinks this Article not worthy of, comparing it with the honour and reverence he owes to this great and noble council; yet, by your lordships good favours he gives it this Answer, That he verily believes he never wrote in those terms of being a secretary by the duke's creation; although he never was, nor is, unapt to acknowledge infinite obligations to the duke, for his favours freely conferred upon him; which he was ever, as he is yet, ready to testify by all due attributes and expressions; but for the lord C. to have acknowledged this in those terms, had been to have forgotten what he owed to his gracious master of glorious memory; who when he gave him the seals, in the presence of divers lords of the council (the duke being also present) told him, and took the duke to witness, that it was his own proper choice to make my lord C. his secretary: yet it may well be when our now gracious king and

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the duke were in Spain, his late maj. having commanded the lord C. to write, that they both might know it, that he had appointed him only to be secretary to receive the dispatches from thence and return the answers, that he might then write to the duke that he was his secretary: and as to the beginning of the lord C.'s letters, with Gracious Patron, which the e. of Bristol is pleased to note, it is true that, ever since the king gave him the creation of duke (which carries the style of grace) the lord C. hath given him that title, with the addition of patron; with as true and plain a heart as it is given ordinarily in other countries, without particular intention or meaning: and the first time that ever the lord C. gave this style, was, when his late maj. told him, he must in his letters give the duke the style of grace; and that this letter he showed to his maj. and 20 others of the same style, and his maj. neither reproved it nor forbid it."

"III. To the Third Article he saith;—That it is a scandalous Article without foundation; and that the lord C. never did any thing to keep the e. of Bristol from his late maj.'s presence, but by express commandment from his maj. which, as he was secretary, he conceives to be sufficient warrant."

"IV. To the Fourth Article he saith;—This is in all a scandal; and in one part unthankfully and untruly wrested; for Mr. Grisley, coming to the lord C. under the pretext of faith and confidence, for advice, to know of him whether it might be safe for his lord, upon consideration of several restraints and leaves, to come to London to follow his business; hereupon the lord C. answered him in the presence of God (as a man that would not betray another to save his own head) that he thought he might not safely come without leave from his maj.; but this advice he gave as a friend, not as a secretary, nor any way from his maj. or in his name."

"V. To the Fifth Article he saith,—He denies the Charge in general; and, for that part, touching his speaking with the duke, he remembereth that the earl of Bristol did, in the postscript of a letter, desire him to move his maj. in that point; but the lord Conway conceiving the state of affairs to stand so between the earl and the duke, that good respect required that an office of grace to the earl should not pass without the knowledge of the duke, it is possible he might stay the opportunity to acquaint the duke; it being no part of his duty to his master of glorious memory, but a thing free in the choice of him, the lord C. to do or not, and further, the lord C. doth verily believe, that he was informed that it was the desire of the earl that the duke should be made acquainted with it."—To the rest of this Article he answereth, "That it gives him, the lord C. the first notice of any displeasure taken by his late maj. against him, for not moving him; or that he should call the denying the earl leave a barbarous act: and the lord C. denies that he retarded the leave from his maj.; but so soon as he received the warrant, he obeyed it, without any clause or limitations more than the king commanded; and that he delayed not the dispatch of it."

"VI. To the Sixth Article he saith;—It appears by the e. of Bristol's acknowledging that he was directed to the lord C. for his business, that the king had not found any fault in the lord C.'s handling of the e. of Bristol's occasions, as is alledged in the 5th Article; and for the lord C.'s refusing to do any thing without the duke, it is true that the duke being so far engaged by the relation he made to both houses of parliament, in the presence, and with the assistance, avowal and testimony, (in many things) of the then prince, now our gracious king; his late maj. commanded the lord C. that nothing should be moved or done in the e. of Bristol's business, without the knowledge of the duke."

"VII. To the Seventh Article he saith,—It is true that commissioners were appointed for forming the Charge against the earl of Bristol, in sundry articles; which were the longer in handling by reason that some of the committee were at London, for occasions of the king's service, and the lord Conway tyed to attend the court; yet the lord C. did come expressly to London, to attend the committee, to give that business the greater expedition; and doubteth not but the commissioners will witness that the lord C. did shew all manner of forwardness to give speed to that work: and as touching the king's promises, the lord C. knows not any thing of them, but he well knows that the king bestowed the reading of all the Charge, and Answers, both at large and in brief, as they were made by the earl of Bristol and directed to his maj.; and doth verily believe, that if the earl of Bristol's Answers had been so full as to have admitted no reply, his maj. would have presently put an end to the earl's business; especially if he had promised it, as is alledged. Touching the commissioners Declaration, the lord C. never heard any one of them declare himself satisfied; and the earl of Bristol's Answers being given to the king, it was in his majesty's heart and pleasure to give directions; which, if the lord C. had ever received he would have obeyed them; but the commissioners had done their work in forming the Charge; and for ought the lord C. knows, had neither warrant nor matter to proceed farther upon. The lord C. knows of no artifice of the duke of Buckingham, to the ends mentioned in this Article; nor was ever made acquainted with, or believes there was any; and, for himself, when the supposed articles are made appear, as is undertaken, the lord C. will be ready to make his just Answer."

"VIII. To the Eighth Article he saith;—He never knew or heard of any such solemn protestation of the king, touching the admitting of the e. of Bristol to his presence; but his late maj. told the lord Conway, That there was a further Charge to be laid against the said earl, which, perhaps, the lord C. might accordingly

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write unto him: the king never gave the lord C. directions for any further charge, but moving his maj. upon some solicitation of the e. of Bristol, his maj. was pleased to answer, that the earl was upon other ways and solicitations; by which the lord C. took himself to be discharged of that business, and, perhaps, answered the earl of Bristol so."

"IX. To the Ninth Article he saith; He knows not what passed from the earl of Bristol to his maj. or from his maj. to him, by the duke's hand; but for his majesty's letter, which the lord Conway acknowledgeth passed through his hands, there was nothing inserted but by the king's directions; and the letter read, approved, and signed by his maj.: for the latter part of this Article, the lord C. refers himself to his Answer to the 4th Article, where the same charge is laid against him."

"X. To the Tenth Article he saith, That the Treaty for marrying the king of Bohemia's eldest son with the emperor's daughter, and bringing him up in that court, was handled by the lord Baltimore; and the lord Conway had never any part in that treaty, nor knew that his maj. gave consent to it, or advised it; but on the contrary, he ever understood that his maj. was against the breeding of the young prince in the emperor's court; and ever said, That he would take upon him the care of his breeding: but the lord Baltimore giving an account of that treaty, by his letter to his maj. then at Newmarket, and there being then a dispatch going for Spain, his maj. commanded the lord C. to send that dispatch from the lord Baltimore, in the packet to the earl of Bristol, which is all the lord C. had to do in it; and the lord Baltimore being a party in the treaty, and a commissioner in forming the Charge against the earl of Bristol, the earl may as well take exceptions against him and the rest of the commissioners, as against the lord C. for that part of the Charge: but the earl of Bristol is not charged for conforming himself to his maj. and his proceedings here, in that point; but further, for moving it, and carrying it in such a fashion in Spain, as sir W. Aston told him, 'He durst not consent to it for his head': For the late letter from his maj. the lord C. answereth, That he did nothing therein but by direction from his maj. and by his majesty's own words or pen."

"XI. To the Eleventh Article he saith;—That he never sent any dispatches to the earl of Bristol into Spain, without his majesty's directions, and first shewing them unto his maj. and receiving his approbation and warrant of them; whose judgment would not have let dubious or entrapping directions pass him without reformation; and if the earl be charged with any thing more than the directions import, the dispatches will clear that: but the lord Conway conceives that the cause of the earl of Bristol's troubles proceeds, truly, from his own large promises on the behalf of Spain and the emperor, and the little grounds the effects shew he had for drawing of his maj. into so deep and disadvantageous engagements"—The lord C. having thus made a true and clear Answer to the several Articles exhibited against him, he humbly leaveth the same to your lordships grave consideration; reserving to himself, as well all just advantages against any part of those Articles in the varieties and contradiction of the Charge; as also, the supply of any thing in these his humble Answers that may be defective in point of form; or which, by further instance, or doubtful interpretation, may require a clearer explanation."

This Answer being read, it was ordered, 'That the earl of Bristol may reply thereunto if he pleases.'—We shall not trouble the reader with the other proceedings in the earl of Bristol's Cause, as they were no way momentous; and since, in a few days time, a great blow from above rendered all these Trials abortive We shall, therefore, turn back to the Commons, and see what they were about, before the king thought proper to put an end to this parliament.

The Duke of Bucks further Defence upon the 7th Article.] June 9. The Commons dispatched the chancellor of the dutchy to the lords, to desire a copy of the duke's Answer, that, upon consideration thereof, a Reply might be made by them, with as much speed as possible. The lords said, That they would take this Message into consideration with all speed. Hereupon the d. of Buckingham stood up, and declared, "That for the better clearing of his honour and fidelity to the state, in that part of his Charge which is objected against him by the 7th Article, he hath been an earnest and humble suitor to his maj. to give him leave in his proofs, to unfold the whole truth and secret of that great action; and hath obtained his majesty's gracious leave therein: and accordingly doth intend to make such open and clear proof thereof, that he nothing doubteth, but the same, when it shall appear, will not only clear him from blame, but be a testimony of his care and faithfulness, in serving the state."

The King's Letter to the Speaker to hasten the Supply.] The same day a Letter from the King was delivered to the Speaker, the tenor whereof was as follows: "Trusty and well-beloved, we greet you well;—Our house of commons cannot forget how often, and how earnestly, we have called upon them for the speeding of that Aid which they intended us for our great and weighty affairs, concerning the safety and honour of us and our kingdoms: and now the time being so far spent, that, unless it be presently concluded, it can neither bring us money nor credit by the time which themselves have fixed, which is the last of this month; and being further deferred would be of little use, we being daily advertised from all parts, of the great preparations of the enemy ready to assail us: we hold it necessary, by these our letters, to give them our last and final admonition, and to let them know, that we shall [illegible] count all further delays and excuses to

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be express denials. And therefore we will and require you to signify unto them, that we do expect that they forthwith bring in their bill of Subsidy, to be passed without delay or condition, so as it may fully pass the house by the end of the next week at the furthest; which if they do not, it will force us to take other resolutions. But let them know, if they finish this according to our desire that we are resolved to let them sit together for the dispatch of their other affairs so long as the season will permit; and, after their recess, to bring them together again the next winter. And, if by their denial or delay, any thing of ill consequence shall fall out either at home or abroad, we call God and man to witness that we have done our part to prevent it, by calling our people together to advise with us; by opening the weight of our occasions unto them, and by requiring their timely help and assistance in these actions wherein we stand engaged by their own counsels: and we will and command you, that this letter be read publicly in the house."

June 10. The copy of the duke's Answer was brought down to the commons, by Mr. baron Trevor and sir C. Cæsar; and they further signified, "That the duke had made a request to their lordships, which they, also, recommended to this house, that the commons would proceed, with all expedition, in their Reply to this Answer; that so they might go on with business of much higher concern."—By the further proceedings on the Journals, the Commons seem to have fallen upon the consideration of the duke's Answer immediately; though nothing is particularly entered about it. At this time, also, they had prepared a Petition to the king concerning Popish Recusants; a business they had, from time to time, been upon, ever since the beginning of this session. And, having perfected their list, it was presented to his maj. along with their petition.

The Commons' Answer to the King's Letter to their Speaker.] The next thing of note the commons went upon was to prepare a Declaration, by way of Answer to the King's Letter for Supply. This was read in the house and agreed to, June 14th, and ordered to be presented to his maj. by the Speaker, attended by the whole house. Accordingly, on the 15th of June, Mr. Maxwell, gentleman usher of the black rod, came down to the commons and acquainted them, "That the lords desired them to come up to them, to hear a commission read for the Dissolution of this Parliament." Whereupon, Mr. Speaker, with the house, went up accordingly.—We shall give the Speaker's oration to the king, on the delivery of the Declaration, as above mentioned, from Rushworth, since we have no other authority; viz.

"Most gracious and dread sovereign;—According to that liberty of access and liberty of speech, which your maj. and your royal progenitors have ever vouchsafed to your house of commons; your majesty's most humble and loyal subjects, the commons now assembled in parliament, have been suitors for this access to your royal throne. And out of their consideration of the nature, and of the weight and importance of the business, they have thought the attendance of the whole house, with their Speaker, not too solemn; and yet they have not thought fit barely to commit those words, which express their thoughts, to the trust of any man's speech; but are bold to present them in writing to your gracious hands, that they may not vanish, but be more lasting than the most powerful words of a more able speaker are like to be.—I have much to read, and shall therefore, as little as I can, weary your maj. with speeches. This parchment contains two things, the one by way of Declaration, to give your maj. an account and humble satisfaction of their clear and sincere endeavours and intentions in your majesty's service; and the other an humble Petition to your maj. for the removal of that great person, the duke of Buckingham, from access to your royal presence.—For the first, They beseech your most excellent maj. to believe, that no earthly thing is so dear and precious to them, as that your maj. should retain them in your grace and good opinion; and it is grief to them, beyond my expression, that any misinformation, or misinterpretation, should at any time render their words or proceedings offensive to your maj. It is not proper for any one to hear the echo of a voice, that hears not the voice; and if echoes be sometimes heard to double and redouble, the echo of the echo is still fainter, and sounds not louder.—I need not make the application: words misreported, though by an echo, or but an echo of an echo, at a third or fourth hand, have oft a louder sound than the voice itself; and may sound disloyalty, though the voice had nothing undutiful or disloyal in it. Such misinformations, they fear, have begot interruptions and diversions, which have delayed the ripening and expediting of those great counsels, which concern your majesty's important service, and have enforced this declaration.—I pass from that to the Petition, in which my purpose is not to urge those reasons, which your maj. may hear expressed in their own words, in the language of the people. I am only directed to offer to your great wisdom, and deep judgment, that this Petition of theirs is such, as may stand with your majesty's honour and justice to grant. Your maj. hath been pleased to give many royal testimonies and arguments to the world, how good and gracious a master you are; and that, which the queen of Sheba once said to the wisest king, may without flattery be said to your maj. 'Happy are those servants which stand continually before you.'—But the relations by which your maj. stands in a gracious aspect towards your people, do far transcend and are more prevalent and binding, than any relation of a master towards a servant; and to hear and satisfy the just and necessary desires of your people, is more honourable than any expression

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of grace to a servant. To be a master of a servant, is communicable to many of your subjects; to be king of a people, is regal, and incommunicable to subjects. Your maj. is truly stiled by that name, which the greatest emperors, though they borrowed names and titles from those countries which they gained by conquest, most delighted in, pater patriæ. And the desires of children are preferred before those of servants; for the servant abideth not in the house for ever; but the son abideth ever. The government of a king was truly termed by your royal father, 'A politic marriage between him and his people;' and, I may safely say, There was never a better union between a married pair, than is between your maj. and your people."

The Lords Petition to the King against dissolving the Parliament.] When the lords had notice of the commission for dissolving this parliament, the house seemed to be much concerned at it; and, immediately, joined in an humble Remonstrance to the king to prevent it. The tenor whereof followeth:

"May it please your excellent majesty;—We your faithful and loyal subjects, the peers of this kingdom, having received this morning a Message from your maj. intimating an intention to dissolve this parliament; remembering that we are your maj.'s hereditary great council of the kingdom, do conceive, that we cannot deserve your maj.'s gracious opinion expressed in this Message unto us, nor discharge our duty to God, your maj. and our country, if, after expression of our great and universal sorrow, we did not humbly offer our loyal and faithful advice to continue this parliament; by which those great and apparent dangers at home and abroad, signified unto us by your maj.'s command, may be prevented, and your maj. made happy in the duty and love of your people, which we hold the greatest safety and treasury of a king; for the effecting whereof, our humble and faithful endeavour shall never be wanting."

The King dissolves the Parliament.] This Petition was presented to the king by the earl of Manchester, lord president of the council, with the earls of Pembroke, Carlisle, and Holland; who besought his maj. to give audience to the 'Whole House of Peers' on this account: but the king answered, 'That his resolution was to hear no motion for that purpose; but that he would dissolve the parliament.' Accordingly a commission, in the usual form, under the great seal, was sent to the house of lords, whereby an end was put to this parliament. Saunderson, in his life of Charles I. says, that the king's words to the lords, who came to intercede for a longer sitting, were, 'No, not a Minute!' And that on the very day the parliament was dissolved, the earl of Arundel was confined to his house, and the earl of Bristol committed to the Tower by the king's order.

The King's Reasons for dissolving the Parliament.] Rushworth has left us a copy of a Remonstrance, which, he says, the commons intended to have presented to the king; as also another of a Declaration from his maj. containing his Reasons for the Dissolution of this and the foregoing parliaments. They were as follows:

"THE KING'S DECLARATION.

"The king's most excellent maj. since his happy access to the imperial crown of this realm, having, by his royal authority, summoned and assembled two several parliaments; the first whereof was in Aug. last, by adjournment held at Oxford, and there dissolved; and the other begun in Feb. last, and continued until the 15th of this present June, and then, to the unspeakable grief of himself, and, as he believeth, of all his good and well affected subjects, dissolved also: although he well knoweth, that the calling, adjourning, proroguing, and dissolving of parliaments, being his great council of the kingdom, do peculiarly belong unto himself, by an undoubted prerogative, inseparably united to his imperial crown; of which, as of his other royal actions, he is not bound to give an account to any but to God only, whose immediate lieutenant and vicegerent he is in these realms and dominions, by the Divine Providence committed to his charge and government, yet forasmuch as, by the assistance of the Almighty, his purpose is so to order himself, and all his actions, especially in the great and public actions of state, concerning the weal of his kingdoms, as may justify himself, not only to his own conscience, and to his own people, but to the whole world, his maj. hath thought it fit and necessary, as the affairs now stand both at home and abroad, to make a true, plain, and clear Declaration of the causes which moved his maj. to assemble, and after enforced him to dissolve these parliaments; that so the mouth of malice itself may be stopped, and the doubts and fears of his own good subjects at home, and of his friends and allies abroad, may be satisfied, and the deserved blame of these so unhappy accidents may light upon the authors thereof.—When his maj. by the death of his dear and royal father, of ever-blessed memory, first came to the crown, he found himself engaged in a war with a potent enemy, not undertaken rashly, nor without just and honourable grounds, but enforced for the necessary defence of himself and his dominions, for the support of his friends and allies, for the redeeming of the antient honour of this nation, for the recovering of the patrimony of his dear sister, her consort, and their children, injuriously and under colour of treaties and friendship, taken from them, and for the maintenance of the true religion; and invited thereunto, and encouraged therein, by the humble advice of both houses of parl. and by their large promises and protestations to his late majesty, to give him full and real assistance in those enterprizes, which were of so great importance to this realm, and to the general peace and safety of all his friends and allies: but when his maj. entered into a view of his

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treasure, he found how ill provided he was to proceed effectually with so great an action, unless he might be assured to receive such supplies from his loving subjects, as might enable him to manage the same.—Hereupon his maj. being willing to tread in the steps of his royal progenitors, for the making of good and wholesome laws for the better government of his people, for the right understanding of their true Grievances, and for the Supply of Monies to be employed for those public services, he did resolve to summon a parliament with all the convenient speed he might; and finding a former parliament already called in the life of his father, he was desirous, for the speedier dispatch of his weighty affairs, and gaining of time, to have continued the same, without any alteration of the members thereof, had he not been advised to the contrary by his judges and counsel at law; for that it had been subject to question in law, which he desired to avoid: but, as soon as possibly he could, he summoned a new parliament; which he did with much confidence and assurance of the love of his people, that those (who had, not long before, with some importunity, won his father to break off his former Treaties with Spain, and, to effect it, had used the mediation of his now maj. being then prince, and a member of the parl. and had promised in parliament their utmost assistance for the enabling of his late majesty to undergo the war, which they then foresaw might follow) would assuredly have performed it to his now maj.; and would not have suffered him, in his first enterprize of so great an expectation, to have run the least hazard through their defaults.—This parliament (after some adjournment, by reason of his maj.'s unavoidable occasions interposing) being assembled on the 18th day of June, it is true, that his commons in parliament, taking into their due and serious consideration the manifold occasions which, at his first entry, did press his maj.; and his most important affairs, which, both at home and abroad, were then in action; did, with great readiness and alacrity, as a pledge of their most bounden duty and thankfulness, and as the first fruits of the most dutiful affections of his loving and loyal subjects, devoted to his service, present his maj. with the free and cheerful gift of 2 entire Subsidies; which their gift, and much more the freeness and heartiness expressed in the giving thereof, his maj. did thankfully and lovingly accept: but when he had more narrowly entered into the consideration of his great affairs, wherein he was embarked, and from which he could not, without much dishonour and disadvantage, withdraw his hand, he found that this sum of money was much short of that which, of necessity, must be presently expended, for the setting forward of those great actions; which, by advice of his council, he had undertaken, and were that summer to be persued. This his maj. imparted to his commons' house of parl.; but before the same could receive that debate and due consideration which was fit, the fearful visitation of the Plague in and about the cities of London and Westminster, (where the lords and the principal gentlemen of quality of his whole kingdom were, for the time of this their service, lodged and abiding) did so much increase, that his maj. without extreme peril to the lives of his good subjects, which were dear unto him, could not continue the parliament any longer in that place.—His maj. therefore, on the 11th day of July then following, adjourned the parliament from Westminster, until the 1st day of Aug. then following, at the city of Oxford: and his maj. was so careful to accommodate his lords and commons there, that as he made choice of that place, being then the freest of all others from the danger of that grievous sickness; so he there fitted the parliament men with all things convenient for their entertainment: and his maj. himself, being in his own heart sincere, and free from all ends upon his people, which the Searcher of Hearts best knoweth, he little expected, that any misconstruction of his actions would have been made as he there found. But when the parliament had been a while assembled, and his majesty's affairs opened unto them, and a further Supply desired, as necessity required; he found them so slow, and so full of delays and diversions in their resolutions, that before any thing could be determined, the fearful contagion daily increased, and was dispersed into all parts of this kingdom; and came home even to their doors where they assembled. His maj. therefore, rather preferred the safety of his people from that present and visible danger, than provided for that which was more remote, but no less dangerous to the state of this kingdom, and of the affairs of that part of Christendom, which then were, and yet are, in friendship and alliance with his maj. And thereupon, his maj. not being then able to discern when it might please God to stay his Hand of Visitation, nor what place might be more secure than other, nor what time convenient for their reassembling, dissolved that parliament.—That parliament being now ended, his majesty did not therewith cast off his royal care of his great and important affairs; but, by the advice of his privy council and of his council of war, he continued his preparations, and former resolutions; and therein not only expended those monies, which, by the 2 Subsidies aforesaid, were given unto him for his own private use, whereof he had too much occasion as he found the state of his exchequer at his first entrance; but added much more of his own, as by his credit, and the credit of some of his servants, he was able to compass the same. At last, by much disadvantage, by the retarding of provisions, and uncertainty of the means, his navy was prepared and set to sea; and the designs unto which they were sent and specially directed, were so probable, and so well advised, that, had they not miscarried in the execution, his majesty is well assured they would have given

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good satisfaction, not only to his own people, but to all the world, that they were not lightly or unadvisedly undertaken and pursued: but it pleased God, who is the Lord of Hosts, and unto whose Providence and good pleasure his maj. doth, and shall submit himself, and all his endeavours, not to give that success which was desired: and yet were those attempts not altogether so fruitless as the envy of the times hath apprehended, the enemy receiving thereby no small loss, nor our party no little advantage. And it would much avail to further his maj.'s great affairs, and the peace of Christendom, which ought to be the true end of all hostility, were these first beginnings, which are most subject to miscarry, well seconded and pursued, as his maj. intended; and as, in the judgment of all men conversant in actions of this nature, were fit not to have been neglected.—These things being thus acted, and God, of his infinite goodness, beyond expectation, asswaging the rage of the pestilence, and, in a manner of a sudden, restoring health and safety to the cities of London and Westminster, which are the fittest places for the resort of his maj. his lords, and commons, to meet in parl. his maj. in the depth of winter, no sooner descried the probability of a safe assembling of his people, and in his princely wisdom and providence, foresaw, that if the opportunity of seasons should be omitted, preparations, both defensive and offensive could not be made in such sort as was requisite for their common safety, but he advised and resolved of the summoning of a new parl. where he might freely communicate the necessities of the state, and have the counsel and advice of the lords and commons in parliament, who were the representative body of the whole kingdom; and that this great council of the realm, might proceed in those enterprizes, and be enabled thereunto, which concern the common good, safety, and honour both of prince and people; and accordingly, the 6th of Feb. last, a new parl. was begun. At the first meeting his maj. did forbear to press them with any thing which might have the least appearance of his own interest; but recommended unto them the care of making good laws, which are the ordinary subject for a parliament.—His maj. believing that they could not have suffered many days, much less many weeks, to have passed by, before the apprehension and care of the common safety of this kingdom, and the true religion professed and maintained therein, and of our friends and allies who must prosper or suffer with us, would have led them to a due and timely consideration of all the means which might best conduce to those ends; which the lords of the higher house, by a committee of that house, did timely and seasonably consider of, and invited the commons to a conference concerning that Great Business: at which conference there were opened unto them the great occasions which pressed his maj.; which making no impression with them, his maj. did, first by message, and after by letters, put the commons in mind of that which was most necessary, the defence of the kingdom, with due and timely preparations for the same.—The commons house, after this, upon the 27th of March last, with one unanimous consent at first, agreed to give unto his maj. 3 entire Subsidies, and three Fifteens, for a present Supply unto him; and, upon the 26th of April after, upon second cogitations, they added a 4th Subsidy; and ordered the days of payment for them all, whereof the first should have been on the last day of this present June. Upon this the king of Denmark, and other princes and states, being engaged with his maj. in this common cause, his maj. fitted his occasions according to the times which were appointed for the payment of those Subsidies and Fifteens; and hasted on the lords committees, and his council of war, to perfect their resolutions for the ordering and settling of his designs; which they accordingly did, and brought them to that maturity, that they found no impediment to a final conclusion of their counsels, but want of money to put things into action. His maj. hereupon, who had, with much patience, expected the real performance of that which the commons had promised; finding the time of the year posting away, and having intelligence not only from his own ministers and subjects in foreign parts, but from all parts of Christendom, of the great and powerful preparations of the king of Spain, and that his design was upon this kingdom, or the kingdom of Ireland, or both, (and it is hard to determine which of them would be of worst consequence) he acquainted the commons therewith; and laid open unto them truly and clearly, how the state of things then stood, and yet stand, and at several times, and upon several occasions, reiterated the same: but that house, (being abused by the violent and ill-advised passions of a few members of the house, for private and personal ends, ill-beseeming public persons trusted by their country, as then they were) not only neglected, but wilfully refused to hearken to all the gentle admonitions which his maj. could give them; and neither did nor would intend any thing, but the prosecution of one of the peers of this realm, and that in such a disordered manner, as being set at their own instance into a legal way, wherein the proofs on either part would have ruled the cause, which his maj. allowed, they were not therewith content; but, in their intemperate passions, and desires to seek for errors in another, fell into a greater error themselves; and not only neglected to give just satisfaction to his maj. in several cases which happened concerning his regality, but wholly forgot their engagements to his maj. for the public defence of the realm; whereupon his maj. wrote the forementioned Letter to the Speaker, dated 9th of June, 1626.—Notwithstanding which letter read in the house, being a clear and gracious manifestation of his maj.'s resolutions, they never so much as admitted one reading to the bill of Subsidies; but instead thereof, they prepared

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and voted a Remonstrance or Declaration, which they intended to prefer to his maj. containing (though palliated with glossing terms) as well many dishonourable aspersions upon his majesty and upon the sacred memory of his deceased father, as also dilatory excuses for their not proceeding with the Subsidies, adding thereto also coloured conditions, crossing thereby his maj.'s direction; which his maj. understanding, and esteeming it, as he had cause, to be a denial of the promised Supply: and finding that no admonitions could move, no reasons or persuasions could prevail (when the time was so far spent that they had put an impossibility upon themselves to perform their promises, and when they esteemed all gracious messages unto them to be but interruptions) his maj. upon mature advisement, discerning that all further patience would prove fruitless, did, on the 15th of this present June, dissolve this unhappy parliament; the acting whereof, as it was to his maj. an unexpressible grief, so the memory thereof doth renew the hearty sorrow, which all his good and well affected subjects will compassionate with him. These passages his maj. hath at the more length, and with the true circumstances thereof, expressed and published to the world, lest that, which hath been unfortunate in itself, through the malice of the authors of so great a mischief, and the malevolent report of such as are ill affected to the state, or the true religion here professed, or the fears or jealousies of friends and dutiful subjects, might be made more unfortunate in the consequences of it; which may be of worse effect than at first can be well apprehended: and his majesty being best privy to the integrity of his own heart, for the constant maintaining of the sincerity and unity of the true religion professed in the church of England, and to free it from the open contagion of Popery, and secret infection of Schism; of both which, by his public acts and actions, he hath given good testimony, and with a single heart, as in the presence of God, who can best judge thereof, purposeth resolutely and constantly to proceed in the due execution of either; and observing the subtilty of the adverse party, he cannot but believe the hand of Joab hath been in this disaster; that the common incendiaries of Christendom have subtilly and secretly insinuated those things, which unhappily (and, as his maj. hopeth, beyond the intentions of the actors) have caused these diversions and distractions; and yet notwithstanding, his most excellent maj. for the comfort of his good and well-affected subjects, in whose loves he doth repose himself with confidence, and esteemeth it as his greatest riches; for the assuring of his friends and allies, with whom, by God's assistance, he will not break, in the substance of what he hath undertaken: for the discouraging of his adversaries, and the adversaries of his cause, and of his dominions and religion; hath put on this resolution, which he doth hereby publish to all the world; that as God hath made him king of this great people, and large dominions, famous in former ages both by land and sea, and trusted him to be a father and protector both of their persons and fortunes, and a defender of the faith and true religion, so he will go on cheerfully and constantly in the defence thereof; and, notwithstanding so many difficulties and discouragements, will take his sword and sceptre into his hand, and not expose the persons of the people committed to his charge to the unsatiable desires of the king of Spain, who hath long thirsted after the Universal Monarchy, nor their consciences to the yoke of the Pope of Rome: and that at home he will take that care to redress the just grievances of his good subjects, as shall be every way fit for a good king.—And in the mean time his maj. doth publish this to all his loving subjects, that they may know what to think with truth, and speak with duty, of his majesty's actions and proceedings in these two last dissolved parliaments."

"THE INTENDED REMONSTRANCE OF THE COMMONS.

"Most Gracious Sovereign, We your loyal and faithful subjects, the commons assembled by your majesty's most royal authority in this present parl. having, with all dutiful affection, from the time of our first meeting, earnestly endeavoured to proceed speedily in those affairs, that might best and soonest conduce to our dispatch of the intended Supply of your majesty's great designs, to the enlargement of your support, and to the enabling of ourselves, and them whom we represent, to the full and timely performance of the same; have notwithstanding, by reason of divers misinformations, interruptions, and other preventions, been hitherto so retarded in the prosecution of these affairs, that we now thought it a necessary part of our most humble duties thus to declare both those interruptions and preventions, with the true, original, and continual cause of them; as also, our most earnest devotion to the parliamentary service of your most excellent maj. and to the careful safety and defence of your dominions, crown and dignity: and we most humbly, therefore, beseech your most excellent maj. to be graciously pleased here to cast your eye on some particulars, that have relation, as well to your first parliament, as to this; out of which we cannot doubt, but that your great goodness may receive an ample satisfaction touching our most loyal and faithful intentions.—In the first parl. of the first year of your majesty's most happy reign over us, the commons then assembled, after they had cheerfully presented to your maj. as the first fruits of their affections, 2 entire Subsidies, were exceedingly pressed by the means of the duke of Buckingham, and for his own ends, as we conceive, to enlarge that Supply; which when he conceived would not be there effected, he procured, for the same ends, from your maj. an adjournment of the parl. to the city of Oxford, where the commons,

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then taking into just consideration the great mischiefs which this kingdom variously hath suffered, and that chiefly by reason of the exorbitant power, and frequent misdoings of the said duke, were entering into a parliamentary course of examination of those mischiefs, power, and misdoings, but no sooner was there any mention made of his name to this purpose, but that he, fearing lest his actions might so have been too much laid open to the view of your most excellent maj. and to the just censure that might then have followed; presently, through his misinformations to your maj. of the intentions of your said commons, (as we have just cause to believe) procured a dissolution of the said parl.: and afterwards, also, in the same year, through divers misreports made to your maj. in his behalf, touching some members of the said commons, who had more particularly drawn his name into just question, and justly professed themselves averse to his ends there, procured, as we cannot but conceive, the said members to be made sheriffs of several counties for this year that followed, * to the end that they might have all been precluded from being chosen members of the present parl. lest they should again have there questioned him; and, by the like practice also, (as we are persuaded) he procured, soon after the said dissolution, another† member of the said house, because he had justly professed himself against his ends, to be sent as secretary of your majesty's last fleet, hereby indeed to punish him, by such drawing him from his practice of the law, which was his profession, under colour of an honourable employment. —It pleased your maj. afterwards, in Feb. last, to call this present parl.; wherein, though none of those, whom the said duke had so procured to be made high sheriffs, have sate as members; yet we (finding in ourselves the like affection, first, to the service of your maj. and next, to the good of the commonwealth) took into serious consideration several propositions; how, for the safety and happiness of your majesty's kingdoms and allies, we might enlarge your supports, and add to the military strength without charge to the poorer sort of your subjects; and give a larger Supply to your maj. for your instant and pressing occasions, than hath ever yet, but once, been given in parliament: whereupon, for the enabling of ourselves, and those whom we represent, we conceive it, first, necessary to search into the causes of those mischiefs, which this your kingdom suffereth, and divers of the Grievances that over-burden your subjects; without doing of which, we could neither be faithful to your maj. nor to the country that doth trust and employ us; as your royal father also, of blessed memory, admonished the house of commons in the 4th session of his first parl. In this consideration we found, that the most pressive and comprehensive mischief that we suffered, was fundamentally settled in the vast power and enormous actions of the said duke; being such, that by reason of his plurality of offices, all gotten by ambition, and some for money, expressly against the laws of your realm; his breach of trust in not guarding the seas; his high injustice in the admiralty; his extortion; his delivering over the ships of this kingdom into the hands of a foreign prince; his procuring the compulsory buying of honours for his own gain; his unexampled exhausting of the treasures and revenues of the kingdom; his transcendent presumption in that unhappy applying of physic to your royal father of blessed memory, a few days before his death; and some other his offences carefully and maturely examined by us: we made a parliamentary Charge of the same matters and offences against him to the lords, then by your maj. assembled in parliament; there expecting some remedy by a speedy proceeding against him: but, may it please your most excellent maj. not only during the time of our examination of the matters and offences of the same Charge, we were diversly interrupted and diverted by Messages procured, through misinformation, from your maj. which, with most humble duty and reverence, we did ever receive, whence it first fell out, that so not only much time was spent amongst us, before the same Charge was perfected; but also, within two days next after the same Charge was transmitted by us to the lords, upon untrue and malicious misinformations, privately, and against the privilege of parliaments, given to your maj. of certain words supposed to have been spoken by sir D. Diggs and sir John Elliot, knts, (two of the members of our house, in their service of the transmitting of the said Charge, both of them having been especially employed in the chairs of committees with us, about the examination of the said matters and offences) they were both, by your maj.'s command, committed to close imprisonment in the Tower, of London, their lodgings presently searched, and their papers there found, presently taken away; by reason whereof, not only our known privileges of parliament were infringed, but we ourselves, that upon full hope of speedy course of justice against the said duke, were preparing with all dutiful affection to proceed to the dispatch of the Supply, and other services to your maj. were wholly, as the course and privilege of parliament bind us, diverted for divers days, to the taking into sole consideration some courses for the ratifying and preservation of the privileges so infringed: and we think it our duties, most rightly to inform hereby your most excellent maj. of the course held in the commitment of the two members: for whereas, by your maj.'s warrant to your messengers for the arresting them, you were pleased to command that they should repair to their lodgings, and there take them; your maj.'s principal secretary, the lord Conway, gave the said messengers, as they

* Sir Edward Coke, and others. See p. 45.

† Mr. Glanvile, one of the managers of the Charge against the duke.

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affirmed, an express command, contrary to the said warrants, that they should not go to their lodgings, but to the house of commons, and there take them; and if they found them not there, they should stay until they were come into the house, and apprehend them wheresoever else they should find them: which, besides that it is contrary to your maj.'s command, is an apparent testimony of some mischievous intention there had against the whole house of commons, and against the service intended to your maj.: all which, with the several interruptions that preceded it, and the misinformation that hath caused all of them, we cannot doubt but that they were wrought and procured by the duke, to his own behoof, and for his advantage: especially, because the said interruptions have, through misinformation, come amongst us, only at such times wherein we have had the matters and offences charged against him in agitation: but your maj. out of your great goodness and justice, being afterwards informed truly of our privilege, and the demerit of the cause that concerned our said two members, graciously commanded the delivery of them out of the Tower, for which we render unto your maj. most humble thanks. And we were then again, by reason of our hopes of the dispatch of proceedings with the lords, upon our Charge against him the said duke, in a cheerful purpose to go on with the matter of Supply, and other services to your maj.: when again these hopes failed in us, by reason of some new exorbitances now lately shewed in the exercise of his so great power and ambition: for by such his great power and ambition, notwithstanding our declaration against him for his so great plurality of offices, he also procured to himself, by the solicitation of his agents, and of such as depended upon him, the office of chancellor of the university of Cambridge; whereas the same university, having two burgesses in parliament, did, by the same burgesses, a few weeks before, consent with us in the Charge against him for his ambition for procuring such a plurality of offices; yet such was his ambition to sue for it; such was his power to make them give it him, contrary to what themselves had agreed in parliament with all the commons of England: and he procured also the same office, by the special labours and endeavours, was we are informed, of a factious party, who adhere to that dangerous innovation of religion, published in the seditious writings of one R. Montague, clerk; of whom it is thence, and heretofore, upon other reasons, also been conceived, that the said duke is, and long hath been, an abettor and protector.—These actions of the said duke have thus hindered the service of your maj. among us, by reason both of the interruptions that have so necessarily accompanied them, and of the prevention of our chearfulness, which otherwise had long since been most effectually shewed in us; who have nothing else in our cares, next to our duty to God, but the loyal service of your maj. the safety of your kingdom, and the subsistence of ourselves and those whom we represent, for the continuance of that service and safety, which we cannot now hope for: and we beseech your most excellent maj. graciously to receive this our humble and free Protestation, That we cannot hope for it, so long as we thus suffer under the pressures of the power and ambition of the said duke, and the divers and false informations so given to your maj. on his behalf, and for his advantage; especially, when we observe also that in such his greatness, he preventeth the giving of true information to your maj. in all things that may any ways reflect to his own misdoings; or shew unto your maj. the true state of your subjects and kingdoms, otherwise than as it may be represented for his own ends: and to that purpose also hath he procured so many persons depending on him, either by alliance or advancement to places of eminency near your sacred person. Through his misinformations of that kind also, and power, we have seen, to our great grief, both in the time of your majesty's royal father, and of your maj. divers officers of the kingdom so often by him displaced and altered, that within these few years past, since the beginning of his greatness, more such displacings and alterations have, by his means, happened, than in many years before them: neither was there in the time of your late royal father, any such course held, before it was by the practice of the said duke thus induced; and since that time, divers officers of the crown, not only in this your kingdom of England, but also in Ireland, as they have been made friends or adverse to the said duke, have been either so commended, or misrepresented by him to his sovereign; and by his procurement so placed or displaced; that he hath always herein, as much as in him lay, made his own ends and advantage the measure of the good or ill of your majesty's kingdoms.—But now at length, may it please your most excellent maj. we have received from the lords a Copy of the said duke's Answer to our Charge transmitted against him; whereunto we shall presently in such sort reply, according to the laws of parliament, that unless his power and practice again undermine our proceedings, we do not doubt but we shall, upon the same, have judgment against him.—In the times also, most gracious sovereign, of these interruptions which came amongst us, by reason of the procurement of two of our members committed; a gracious Message was formerly received from your maj. wherein you had been pleased to let us know, That if you had not a timely Supply, your maj. would betake yourself to new counsels; which, we could not doubt, were intended by your most excellent maj. to be such as stood with justice and the laws of this realm: but these words, 'New Counsels,' were remembered in a speech made amongst us by one of your majesty's privy council, lately a member of us, who, in the same speech, told us,* he had

* Sir Dudley Carleton. See p. 120.

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often thought of those words, 'New Counsels;' that in his consideration of them, he remembered that there were such kinds of parliaments antiently among other nations, as are now in England; that in England he saw the country-people live in happiness and plenty, but in these other nations he saw them poor both in persons and habit; or to that effect: which state and condition happened, as he said, to them, where such 'New Counsels' were taken, as that the use of their parliaments ended.—This intimation, may it please your maj. was such, as also gave us just cause to fear there were some ill ministers near your maj. that in behalf of the said duke, and together with him, who is so strangely powerful, were so much against the parliamentary course of this kingdom; as they might, perhaps, advise your most excellent maj. to such 'New Counsels' as these, that fell under the memory and consideration of that privy-counsellor. And one especial reason among others hath increased that fear among us, for that whereas the Subsidies of Tonnage and Poundage, did determine upon the death of your most royal father, our late sovereign, and were never payable to any of your majesty's ancestors, but only by a special act of parl. and ought not to be levied without such an act; yet, ever since the beginning of your majesty's happy reign over us, the said Subsidies have been levied by some of your majesty's ministers, as if they were still due; although also one parliament hath been since then begun, and dissolved by procurement of the said duke, as is before shewed, wherein no act passed for the same Subsidies. Which example is so much against the constant use of former times, and the known right and liberty of your subjects, that it is an apparent effect of some 'New Counsels' given against the antient settled course of government of this your majesty's kingdom, and chiefly against the right of your commons, as if there might be any Subsidy, Tax, or Aid levied upon them, without their consent in parliament, or contrary to the settled laws of this kingdom. But if any such do so ill an office, as, by the mis-representation of the state and right of your majesty's loyal subjects, to advise any such 'New Counsels' as the levying of any Aid, Tax, or Subsidy, among your people, contrary to the settled laws of your kingdom, we cannot, most gracious sovereign, but esteem them that shall so advise, not only as vipers, but pests to their king and common-wealth, (as all such were to both houses of parliament expressly styled by your most royal father) but also capital enemies, as well to your crown and dignity, as to the common-wealth. And we shall, for our parts, in parliament, shew as occasion shall require; and be ready to declare their offences of this kind such, as that they may be rewarded with the highest punishment, as your laws inflict on any offenders.—These, and some of these things, amongst many other, most gracious sovereign, are those which have so much prevented a right understanding between your maj. and us; and which have possessed the hearts of your people and loyal commons with unspeakable sorrow and grief; finding apparently all humble and hearty endeavours misinterpreted, hindered, and now, at last, almost frustrated utterly by the interposition of the excessive and abusive power of one man; against whom we have just cause to protest, not only in regard of the particulars wherewith he hath been charged, which parliamentary way we are enforced to insist upon, as matters which lie in our notice and proof) but also because we apprehend him of so unbridled ambition, and so averse to the good and tranquillity of the church and state, that we verily believe him to be an enemy to both: and therefore, unless we would betray our own duties to your maj. and those by whom we are trusted, we cannot but express our infinite grief, that he should have so great power and interest in your princely affections; and under your maj. wholly, in a manner, to engross to himself the administration of your affairs of the kingdom, which, by that means, is drawn into a condition most miserable and hazardous.—Give us then leave, most dear sovereign, in the name of all the commons of this your kingdom, prostrate at the feet of your sacred maj. most humbly to beseech you, even for the honour of Almighty God, whose religion is directly undermined by the practice of that party whom this duke supports: for your honour, which will be much advanced in the relieving of your people in this their great and general Grievance: for the honour, safety and welfare of your kingdom, which, by this means, is threatened with almost unavoidable dangers: and for the love which your maj. as a good and loving father, bears unto your good people; (by whom, we profess in the presence of Almighty God, the Searcher of all Hearts, you are as highly esteemed and beloved, as ever any of your predecessors were) that you would be graciously pleased to remove this person from access to your sacred presence; and that you would not balance this one man with all these things, and with the affairs of the Christian world; which do all suffer, so far as they have relation to this kingdom, chiefly by his means. For we protest to your maj. and to the whole world, That until this great person be removed from intermeddling with the great affairs of state, we are out of hope of any good success; and do fear, that any money we shall or can give, will, through his misemployment, be turned rather to the hurt and prejudice of this your kingdom, than otherwise; as by lamentable experience we have found, in those large Supplies formerly and lately given.—But no sooner shall we receive redress and relief in this, (which, of all others, is our most insupportable Grievance) but we shall forthwith proceed to accomplish your majesty's own desire, for Supply; and likewise, with all cheerfulness, apply ourselves to the perfecting of divers other great things, such as we think no one parliament in one age can parallel, tending to the stability,

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wealth, strength, and honour of this your kingdom, and the support of your friends and allies abroad: and we doubt not but through God's blessing, as you are the best, so shall you ever be the best-beloved, and greatest monarch, that ever sat on the royal throne of this famous kingdom."

A Proclamation for burning the foregoing Remonstrance.] Soon after the king published a Proclamation, taking notice of the foregoing Remonstrance, intended to have been presented to him: "Wherein, he said, were many things contained to the dishonour of himself and his royal father of blessed memory; and whereby, through the sides of a peer of this realm, they wound their sovereign's honour: as also, that some members of that house, ill-affected to his service, to vent their own passions against that peer, and to prepossess the world with an ill opinion of him, before his cause was heard in a judicial way, had, before-hand, scattered copies of that intended Declaration, thereby to detract from their sovereign: wherefore his maj. for the suppressing of this insufferable wrong to himself, doth command, upon pain of his indignation and high displeasure, all persons of whatsoever quality, who have, or shall have hereafter, any copies or notes of the said Remonstrance, or shall come to the view thereof, forthwith to burn the same; that the memory thereof may be utterly abolished, and never give occasion to his maj. to renew the remembrance of that, which, out of his grace and goodness, he would gladly forget."

Projects for raising Money, by Loans, Benevolences, &c.] Deprived of any parliamentary Aids, through the late dissolution, the court fell upon such projects, as had been practised in like cases, for raising money without them. By an order of council, it was declared, That all customs, duties and imposts on all goods and merchandizes exported and imported, which, for many ages had been continued, and esteemed a principal and necessary part of the revenue of the crown, should be levied and paid. Nevertheless, it was intended to have this settled by parliament, as it had been, from time to time, for many royal successions; but the dissolution of the last prevented it, before the matters therein treated of could be brought to perfection. Therefore, an instrument was to pass, under the great seal, to authorize these levies, until, as in former times, it might receive an absolute settlement by parliament. The forfeitures, also, arising to the crown by the execution of the laws against Jesuits, Priests, and Popish Recusants, were dedicated to the pressing necessities of the state. A proclamation was published, declaring the king's resolution to make his revenue certain; by granting his lands, as well copyhold as otherwise, to be holden in fee-farm. The king sent to the nobility to acquaint them, That according to the customs of former times, upon pressing occasions, the crown had ever had recourse to raise contributions on the subject; and therefore he now expected from them such a large and cheerful testimony of their loyalty, as might be acceptable to himself and exemplary to his people.—From the city of London the king demanded a Loan of 100,000*l.* which, all excuses set aside, was ordered by the council to be complied with. And, all the sea-port towns being ordered to fit out ships for the guarding of their own coasts, the city was appointed to set forth 20 of the best ships that lay in the river; with all manner of tackle, sea stores and ammunition, manned and victualled for 3 months. There were likewise privy-seals issued to divers persons; to others, the old way of Benevolence was proposed.

Persons committed to Prison for refusing the Loan.] This Loan however did by no means pass current through the kingdom; on the contrary, it bred a great deal of disturbance and laid the foundation for more Grievances to be complained of next parliament. Several persons, and some of good rank and quality, refused to subscribe to it; these in their several counties, were bound over, by recognizance, to make their appearance at the council-table; from whence, divers of them were committed to different prisons, not in their own, but in distant counties: the names of many of these gentlemen are preserved in Rushworth, and are too remarkable to be slightly passed over. Sir Tho. Wentworth, (afterwards earl of Strafford,) and Geo. Ratcliffe, esq. (afterwards sir George) Yorkshire gentlemen, were sent for by messengers, and removed out of York into Kent. Sir Walter Earl and sir John Strangeways, Dorsetshire men, were confined in Bedfordshire. Sir Tho. Grantham, and others of Lincolnshire, in Dorsetshire. Sir John Hevenningham, and others of Suffolk, into Somersetshire. Rd. Knightly, esq. and others of Northamptonshire, into Southampton and Wiltshire. Sir Nath. Barnardiston, of Suffolk, and William Coriton, esq. of Cornwall, in Sussex. Sir Harbottle Grimstone of Essex, and sir Rob. Pointz, were secured in Northamptonshire. John Hampden, esq. and others of Bucks, were secured in Hampshire: and the like course was taken with the gentry of other counties, who refused the Loan. The council also ordered, that all those refractory persons before named who are appointed, by his maj.'s command to their several commitments, shall presently obey the order of the board sent with their messenger in that behalf, or be committed close prisoners; any pretence of inability, want of conveniency, or other excuse whatsoever notwithstanding.

Sir John Elliot's Petition, from the Gatehouse, on his Imprisonment.] Many of those gentlemen were afterwards sent for by pursuivants, out of those counties where they had been confined by order of the council, and committed to several prisons; some to the Fleet, some to the Marshalsea and Gatehouse, and others remained in custody of the messengers: from the latter sir John Elliot, who had rendered himself so remarkable, as a Manager against

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the duke of Buckingham (see p. 122.) sent the following Petition to the king.

" To the King's most Excellent Majesty. The Humble Petition of Sir John Elliot, Knt. Prisoner in the Gatehouse, concerning the Loan, Sheweth,

That your poor suppliant, affected with sorrow and unhappiness, through the long sense of your majesty's displeasure; willing, in every act of duty and obedience, to satisfy your maj. of the loyalty of his heart, than which he hath nothing more desired; and that there may not remain a jealousie in your royal breast, that any stubbornness of will hath been the motive of his forbearing to condescend to the said Loan: low at your highness's foot, with a sad yet a faithful heart, for an apology to your clemency and grace, he now presumes to offer up the reasons that induced him; which he conceiveth necessity of his duty to religion, to justice, and to your maj. did inforce.—The rule of justice he takes to be the law; the impartial arbiter of government and obedience, the support and strength of majesty, the observer of that justice by which subjection is commanded: this and religion, added to this power not to be resisted, bind up the conscience in an obligation to that rule, which, without open prejudice and violence of these duties, may not be impeached. In this particular, therefore, of the Loan, being desirous to be satisfied how far the obligation might extend; and resolving where he was left master of his own, to become servant to your will, he had recourse unto the laws, to be informed by them; which, in all humility, he submitteth to your most sacred view in the collections following.—In the time of Edw. I. he findeth that the commons of that age were so tender of their liberties, as they feared even their own free acts and gifts might turn them to a bondage of their heirs. Wherefore it was desired and granted, "That for no business, such manner of aids, taxes, nor prizes, should be taken, but by common assent of the realm, and for the common profit thereof."* The like was in force by the same king, and by two other laws, again enacted: 'that no tallage or aid should be taken or levied, without the good-will and assent of the archbishops, bishops, earls, barons, knights, burgesses, and other freemen of the land.' And that prudent and magnanimous prince, Edw. 3, led by the same wisdom, having granted: "that the greatest gift given in parliament, for the aid and speed of his matchless undertaking against France, should not be had in example, nor fall to the prejudice of the subject in time to come; did likewise add, in confirmation of that right, That they should not from thenceforth be grieved to sustain any charge or aid, but by the common assent, and that in parliament. And more particularly upon this point, upon a Petition of the Commons afterwards in parliament, it was established: That the Loans, which were granted to the king by divers persons be released; and that none, henceforth, be compelled to make such Loans against their wills, because it is against reason, and the franchises of the land; and that restitution be made to such as had paid such Loans.' And by another act in the time of R. 3. it was ordained:" That the subject in no wise be charged with any such charge, exaction, or imposition called a Benevolence, nor such like charge; and that such like exactions be damned and annulled for ever.—Such were the opinions of those times, for all these Aids, Benevolences, Loans, and such like charges, exacted from the subject not in parliament; which they held to be grievances contrary to their liberties, and illegal: and so pious were their princes in confirmation of their liberties, that having secured them for the present, by such frequent laws and statutes, they did likewise by them provide for their posterity, and in some so strictly, that they bound the observation with a curse, as in that of 25. Edw. I. and also under pain of excommunication; which was to be denounced against all those that violate or break them: all which acts extend to us. And these reasons he presents to your maj. as the first motive taken from the law.—There are others also, which, in his humble apprehension, he conceived from the action itself, which he likewise tenders to your most excellent wisdom: 1st. That the carriage and instructions, accompanied with the authority of the great seal, imported a constraint; such requests to subjects being tacit and implied commands, and so preventing that readiness and love, which, in a free way, would have far exceeded those demands; whereas the wonted Aids given to your happy ancestors were 'ex spontanea voluntate & charitate populi,' whereby they made that conjunction of their hearts at home, which wrought such power and reputation to their acts abroad.—And whereas the firmest obligation of that readiness and love, is the benignity of princes, giving and preserving to their people their just rights and liberties; which, to this kingdom, are derived from the clemency and wisdom of your progenitors, to whom there is owing a sacred memory for them: he could not, as he feared, without pressure to these immunities, become an actor in this Loan; which, by imprisonment and restraint, was urged, contrary to Grants of the Great Charter, by so many glorious and victorious kings so many times confirmed; being therein most confident of your maj. that never king that reigned over us, had, of his own benignity and goodness, a more pious disposition to preserve the just liberties of his subjects, than your sacred self.—Though he was well assured by your maj.'s royal promise, whose words he holds as oracles of truth, that it should not become a precedent, during the happiness of your reign; (the long continuance whereof is the daily subject of his prayers) yet he conceived from thence a fear, that succeeding ages might thereby take occasion for

* See vol. I. p. 45.

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posterity to strike at the very property of their goods, contrary to the piety and intention of your maj. so graciously expressed.—And these being the true grounds and motives of his forbearance to the said Loan, (shewing such inconveniences in reason, and representing it an act contradicting so many of your laws, and most of them by the most prudent and happiest of our princes granted; which could not, without presumption beyond pardon in your supplicant, in taking to himself the dispensation of those laws, so piously enacted by them, be violated or impeached, in the least degree;) in the fulness of all submission and obedience, as the apology of his loyalty and duty, he lowly offers to your most sacred wisdom, for the satisfaction of your maj.: most humbly praying your maj. will be graciously pleased to take them into your princely consideration; where when it shall appear, (as he doubts not, but from hence it will to your deep judgment,) that no factious humour, nor any disaffection, led on by stubbornness of will, hath herein stirred or moved him; but the just obligation of his conscience, which binds him to the service of your maj. in the observance of your laws; he is hopeful, presuming upon the piety and justice of your maj. that your maj. according to your innate clemency and goodness, will be pleased to restore him to your favour, and his liberty; and to afford him the benefit of those laws, which, in all humility, he craves."

But notwithstanding this extraordinary Petition, sir John Elliot continued a prisoner in the Gate-house, till the general order of discharge came. Sir Peter Hayman also, refusing to part with Loan-Money, was called before the lords of the council, who charged him with refractoriness, and with an unwillingness to serve the king; and told him if he did not pay, he should be put upon service. Accordingly they commanded him to go into his majesty's service into the Palatinate: and having first settled his estate, he undertook and performed the journey, and afterwards returned into England.—Notwithstanding the vigorous opposition to this method of raising money by Loans, a considerable sum was raised, and some things were done with it, which tended to public service: though what sums these exactions raised in the kingdom is not particularly mentioned.—The next year, a large fleet was fitted out, and had a numerous land army on board, designed for a descent on the Isle of Rhee in France, under the conduct of the duke of Buckingham. The bad success of that enterprize is too well known to need a repetition; and this joined to a general defeat of the king of Denmark's army, by count Tilly, near Luttern in Germany, gave a mortal stroke to the Protestant cause in those parts, and rendered the fate of the Palatinate still more desperate. So that, both at home and abroad, Charles's affairs were then in a melancholy situation. For, when the unfortunate action at Rhee was known over the kingdom, the cry of the people was so great, and the king's necessities so pressing, that it was in every man's mouth, 'A parliament must needs be summoned.' The nation had now provoked two potent neighbouring kings to be their enemies, the coasts and ports were unguarded, the able commanders worn out, or not employed, and the marine affairs were every where in as bad a condition as possible.

Sir R. Cotton's Advice to the Council to call a Parliament.] Under these unhappy circumstances, the king held a grand council at Whitehall, how to extricate himself and the nation out of such difficulties. To this council the famous historian and antiquary, sir Robert Cotton, was called; whose Advice to the lords there present, contains a succinct, though general history of these times, along with the best advice how to settle matters for the future, which we shall give in his own words: for, though not strictly parliamentary in itself, yet it induced the king and council to believe there was no other way, and obliged them to think of calling a parliament for the general good of the nation.*

"My lords; as soon as the house of Austria had incorporated itself into the house of Spain, and, by their new discoveries, gotten to themselves the wealth of the Indies; they began to affect, and have ever since pursued, a fifth monarchy.—The emperor Charles would first have laid the foundation thereof in Italy, by surprizing Rome: but from this he was hindered by the force and respect of religion, Hen. 8. being made caput fœderis against him. He then attempted it in High-Germany, practising by faction and force, to reduce those petty states to his absolute power. In this Hen. 8. again prevented him, by tying the Lutheran princes under his confederacy and assistance. His son, Philip 2, pursued the same ambition in the Nether-Germany, by reduction whereof he intended to make his way further into the other. This the late queen of England interrupted, by siding with the afflicted people on the one part, and making herself head of the protestant league with the princes on the other side; drawing in, as a secret of state, the countenance of France, to give the more reputation and assistance to them, and security to herself.—Spain seeing his hopes thus fruitless by these unions and sleights, began first to break, if he might, the amity of France and England: but finding the common danger to be so fast a tye, he raiseth up a party in that kingdom of his own, by the which the French king was so distressed, that, had not the English council and assistance relieved him, Spain had there removed that next and greatest obstacle of his ambition.—His council now tells him, from these examples, that the way to his great work is impassable, so long as England lies a lett in his way; and adviseth him, that the removal of that obstacle be the first of his intents. This drew on those often secret practices

* From his Posthumous Works, published by James Howel, esq.

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against the person of the late queen, and his open fury, in 1588, against the body of the state, for which she, following the advice of a free council, would never after admit of peace; winning thereby the hearts of a loving people, who ever found hands and money for all occasions at home, and by keeping sacredly her alliances abroad, secured her confederates, all her time, in freedom from fear of Spanish slavery; and ended her old and happy days in great glory. Spain then, by the wisdom and power of that great lady, despoiled so of his means to hurt, though not of his desire, makes up, with her peaceful successor of happy memory, the golden league; that, disarming us at home by opinion of security, and giving them a power in our council by believing their friendship and pretended marriage) gave them way to cherish amongst us a party of their own, and bereft of power abroad, to lead in jealousy, and sow a division between us and our confederates; by which, we see, they have swallowed up the fortune of our master's brother, with the rest of the imperial states, distressed the king of Denmark by that quarrel, diverted Sweden's assistance by the wars with the Pole, and moving of him now with the offers of the Danish crown, and now, whether from that plot, or our fatality, it hath cast such a bone between France and us, as hath gotten themselves, by our quarrel of religion, a fast confederate, and us a dangerous enemy: so that now we are left no other assurance against their malice and ambition, but the Netherlands; where the tye of mutual safety is weakened by daily discontents bred and fed between us from some ill-affected to both our securities: so that, from the doubtfulness of friendship, as we now stand, we may rather expect, through our own domestic faction, if they grow too furious, they will sooner follow the example of Rome in her growing; (that held it equally safe, honourable, and more easy, dare regem, than subjugare provinciam) considering the power they have in their hands, than give any friendly assistance to serve the present condition of our state. You may see therefore in what terms we stand abroad; and, I fear, at home, in no better. There must be, to withstand a foreign invasion, a proportion both of sea and land forces; for to give an enemy an easy passage, and a port to relieve him in, is no less than to hazard all at one stake. And it is to be considered, that no march by land can be of that speed to make head against the landing of an enemy, nor no such prevention as to be master of the sea. To this point of necessary defence there can be no less than 240,000*l.* For the land forces; if it were for an offensive war, the men of less livelihood were the best spared, and were used formerly to make such war, purgamento reipublicæ, if we made no further purchase by it: but, for safety of a commonwealth, the wisdom of all times did never intrust the public cause to any other than such as had a portion in the public adventure. And this we saw in 1588, when the care of the queen and council did make the body of that large army no other than of trained bands, which, with the auxiliaries of the whole realm, amounted to no less than 34,000 men. Neither were any of those drawn out of their countries, and proper habitations, before the end of May, that they might be no long aggrievance to the public; such discontentments being ever to us a more fatal enemy than any foreign force. The careful distribution and direction of the sea and land forces, being more fitting for a council of war, than a private man to advise of, I pass over; yet shall ever be willing and ready, when I shall be called, humbly to offer up such observations, as I have formerly gathered by the like occasions of this realm. There are two things requisite to make up this preparation, money and affections; for they cannot properly be severed. It was well and wisely said by that great and grave counsellor, lord Burleigh, in the like case, to the late queen, 'Win their hearts, and you may have their hands and purses. And I find of late, that diffidence having been a defect in the one, it hath unhappily produced the same in the other. In gathering of money for this present need, there are required 3 things, speed, assurance, and satisfaction: and the way to gather, as others in the like cases have done, must be by that path, which hath been formerly called via regia, being more secure and speedy; for, by unknown and untrodden ways, it is both rough and tedious, and seldom succeedeth well. This last way, although it took place as it were by Supply at first, and received no general denial; yet, since, it hath drawn many to consider with themselves and others of the consequence, and is now conceived a pressure on their liberties, and against law. I much fear, if now again it be offered, either in the same face, or by privy-seal, that it will be refused wholly. Neither find I that the restraint of those Recusants hath produced any other effect, than a stiff resolution in them and others to forbear. Besides, though it went at first with some assurance, yet, when we consider the commissions, and other forms incident to such like services; as also how long it hung in hand, and how many delays there were, we may easily see that such a sum, granted by parliament, is far sooner and more easily gathered.—If any will make the urgency of times an inevitable necessity for enforcing the levy, whether, in general, by excise or imposition; or, in particular, upon some select persons, which is the custom of some countries; and so conclude it, for the public state, suprema lege, he must look for this to be told him: that if necessity must conclude always for gathering money in the most speedy way, (which cannot be fitter than by parliament) the consequence may be, that the humours of the heedless multitude, who are full of jealousy and distrust, and so unlike to comply to any unusual course of levy, will not submit but by force; which, if used, the effect is fearful, and hath been fatal to the state: whereas that by parliament resteth principally on the

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regal person, who may, with ease and safety, mould them to fit his desire, by a gracious yielding to their just petitions.—If a parliament then be the most speedy, assured, and safe way, it is fit to conceive what is the best way to act and work it to the present need.—First, if the time of the usual summons, reputed to be 40 days, be too large for the present necessity, it may be shortened, since it is against no positive law; so that care be had that there may be one county day, after the sheriff hath received the writ, before the time of sitting.—If then the sum to be levied be once agreed on, then, for the advance of time, there may be, in the body of the grant, an assignment made to the knights of every county respectively; who, under such assurance, may safely give security proportionable to the receipts, to such as shall, in present, advance to the public service any sums of money.—The last and weightiest consideration (if a parliament be thought fit) is, how to remove or compose the differences between the king and subject in their mutual demands. What I have learned amongst the better sort of the multitude, I will freely declare, that your lordships may be the more enabled to remove those distrusts, that either concern religion, public safety of the king and state, or the just liberties of the common-wealth. For Religion, a matter that lies nearest to their conscience, they are led by this ground of jealousy to think some practise against it. First, for that the Spanish Match, which was broken by the grateful industry of my lord of Bucks, out of his religious care, as he there declares, that the articles there demanded might lead in some such sufferance as might endanger the quiet, if not the state of the reformed religion here: yet there have (when he was a principal actor in the conditions with France) as hard, if not worse, (to the preservation of our religion) passed than those with Spain: and the suspicion is strengthened by the strict observance of this agreement, in that point, there concluded It is no less an argument of doubt to them of his affections; in that his mother and others, and many of his servants of near employment about him, are so affected. They talk much of his advancing men papistically devoted; some placed in the camp, of nearest service and chief command; and that the Recusants have gotten these late years, by his power, more courage and assurance than before. If, to clear these doubts, (which perhaps are worse in fancy than in truth) he took a good course, it might much advance the public service, against those squeamish humours that have more violent passion than settled judgment, and are not the least of the opposite number in the common-wealth.—The next is, the late misfortunes and losses of men, munition, and honour in our late undertakings abroad; which the more temperate spirits impute to want of counsel, and the more sublime wits to practice. They begin with the Palatinate, and by the fault of the loss there, on the improved credit of Gondomar; distrusting him for the staying of supplies to sir Horace Vere, when Col. Cecil was cast on that employment; by which the king of Spain became master of the late king's children's inheritance. And when count Mansfield had a royal supply of forces, to assist the princes of our part, for the recovery thereof, either plot or error defeated the enterprize from us, to Spain's great advantage. That sir Rob. Mansel's expedition to Algiers, should purchase only the security and guard of the Spanish coasts; to spend so many hundred thousand pounds in the Calais-voyage, against the advice of parliament, only to warn the king of Spain to be in a readiness, and so to weaken ourselves, is taken for a sign of ill-affection in him amongst the multitude. The spending of so much munition, victuals, and money, in the lord Willoughby's Journey, is conceived an unthrifty error in the director of it, to disarm ourselves in fruitless voyages; nay to some over-curious, seems a plot of danger, to turn the quarrel of Spain, our antient enemy, that the parliament petitioned and gave Supply to support, upon our ally of France; and soon after, a new and happy tye gave much talk, that we were not so doubtful of Spain as many wish; since it was held, not long ago, a fundamental rule of their security and ours, by the old lord Burleigh, That nothing can prevent an universal Spanish monarchy, but a fastness of those two princes whose amity gave countenance and courage to the Netherlands and German princes, to make head against his ambition. And we see, by this disunion, a fearful defeat hath happened to Denmark and that party, to the great advantage of the Austrian family.—And thus far of the Waste of public Treasure in fruitless Expeditions: an important cause to hinder any new Supply in parliament. Another fear that may disturb the smooth and speedy passage of the king's desires in parliament, is the late waste of the king's livelihood; whereby is like, as in former times, to arise this jealousy and fear, that when he hath not of his own to support his ordinary charge, (for which the lands of the crown were settled unalterably, and called sacrum patrimonium principis) that then he must of necessity rest upon those assistances of the people, which ever were collected and consigned, only, for the common-wealth. From hence it is like there will be no great labour or stiffness to induce his maj. to an act of resumption; since such desires of the state have found an easy way in the will of all the princes from Hen. 3. to the last. But that which is like to pass deeper into their disputes and care, is the late pressures they suppose to have been done upon the public liberty and freedom of the subject; in commanding their goods without assent of parliament; confining their persons without special cause declared; and that made good against them by the judges lately; and pretending a writ to command their attendance in a foreign war: all which they are likely to enforce, as repugnant to many positive laws and customary immunities of this common-

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wealth.—And these dangerous distrusts are not a little improved by this unexampled course, as they conceive, of retaining an inland army in winter season; when former times of greatest fear, as that of 1588, produced no such; and makes them, in their distracted fears, to conjecture, idly, it was raised wholly to subject their fortunes to the will of power, more than of law; and so make good some further breaches upon their liberties and freedoms at home, rather than defend us from any force abroad.—How far such jealousies, if they meet with an unusual disorder of lawless soldiers, or an apt distemper of the loose and giddy multitude, may easily turn them away, upon any occasion in the state that they can side withal, to a glorious pretence of religion and public safety, when their true intent will be only rapine of the rich, and ruin of all, is worthy your provident and preventing care.—I have thus far delivered, with that freedom you pleased to admit, such difficulties as I have taken up amongst the multitude, as may arrest, if not remove, impediments to any speedy Supply in parliament at this time; how to facilitate which may better become the care of your lordships judgments than my ignorance. Only I could wish, that to remove away a personal distaste of my lord of Bucks amongst the people, he might be pleased, if there be a necessity of parliament, to appear a first adviser thereunto; and what satisfaction it shall please his maj. of grace, to give at such time to his people, (which I wish to be grounded by precedent of his best and most fortunate progenitors, and which, I conceive, will largely satisfy the desires and hopes of all) if it may appear in some sort to be drawn down from him to the people, by the zealous care and industry that my lord of Bucks hath of the public unity and content; by which there is no doubt that he may remain, not only secure from any further quarrel with them, but merit an happy memory amongst them of a zealous patriot: for to expiate the passion of the people, at such a time, with sacrifice of any of his majesty's servants, I have ever found it (as in Ed. 2. Rd. 2. and Hen. 6.) no less fatal to the master, than the minister, in the end."

A New Parliament called.] Actuated by such excellent advice as this, the king and council resolved, once more, to call a parliament, but, previously, thought proper to release all the gentlemen and others confined for refusing the Loan. Many of whom, Rushworth says, 'were chosen into the next parliament, and carried more resentment with them into the house, for their late ill usage, than was agreeable to the character of peace-makers between king and people.' Writs were sent out, to call a new parliament to meet, at Westminster, on the 17th of March, in the third year of the king; on which day the king, having rode in state down to Westminster Abby and heard a sermon, came to the house of lords, and sending for the commons, the lords Journals tell us his majesty was pleased to speak to both houses as follows.

The King's Speech at opening the Session.] "My Lords and Gentlemen; These times are for action; wherefore, for example's sake, I mean not to spend much time in words; expecting accordingly that your (as I hope) good resolutions will be speedy, not spending time unnecessarily, or (that I may better say) dangerously; for tedious consultations at this conjuncture of time are as hurtful as ill resolutions. I am sure you now expect from me, both to know the cause of your meeting, and what to resolve on: yet I think that there is none here, but knows that common danger is the cause of this parliament, and that Supply at this time is the chief end of it; so that I need not point to you what to do. I will use but few persuasions: for if to maintain your own advices, and, as now the case stands, by the following thereof, the true religion, laws, and liberties of this state, and the just defence of our true friends and allies, be not sufficient, then no eloquence of men or angels will prevail. Only let me remember you, that my duty most of all, and every one of yours, according to his degree, is to seek the maintenance of this church and common-wealth: and certainly there never was a time in which this duty was more necessarily required than now. I therefore, judging a parliament to be the antient, speediest, and best way in this time of common danger, to give such Supply as to secure ourselves, and to save our friends from imminent ruin, have called you together. Every man now must do according to his conscience; wherefore if you (which God forbid) should not do your duties in contributing what the state at this time needs, I must, in discharge of my conscience, use those other means, which God hath put into my hands, to save that which the follies of some particular men may otherwise hazard to lose.—Take not this as a threatning, (for I scorn to threaten any but my equals) but an admonition from him, that, both out of nature and duty, hath most care of your preservations and prosperities: and hopes (though I thus speak) that your demeanours at this time will be such, as shall not only make me approve your former counsels, but lay on me such obligations as shall bind me by way of thankfulness to meet often with you: for, be assured, that nothing can be more pleasing unto me, than to keep a good correspondency with you.—I will only add one thing more, and then leave my Lord Keeper to make a short paraphrase upon the text I have delivered you, which is, To remember a thing, to the end ye may forget it. You may imagine that I came here with a doubt of good success of what I desire, remembring the distractions of the last meeting: but, I assure you, that I shall very easily and gladly forget and forgive what is past, so that you will at this time leave the former ways of distraction, and follow the counsel lately given you, To maintain the unity of the Spirit in the bond of peace."

The Lord Keeper's Speech.] The Lord Keeper having conferred with his majesty, spake as followeth:—"My lords, and ye the knights,

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citizens, and burgesses of the house of commons;—If I had been delighted in long speaking, yet the example and commandment of his majesty had been more than enough to restrain the superfluity of that humour: but there is yet more; for that short and excellent compacted speech which you have heard from his maj. begins with a reason, 'It is a time for action, not for speech.' Examples and commandments master the will, and reasons master the understanding; and therefore you may expect nothing from me but brevity. You have heard the matter already; and, I doubt not, but with much reverence, as the weight and authority of it requires. You have imprinted it in your minds; and, the matter being known, long speech from me were but babbling to beat the air.—Ye are assembled here in parliament by his majesty's writ and royal command, to consult and conclude of the weighty and urgent business of this kingdom. Weighty it is, and great; as great as the honour, safety, and protection of religion, king, and country: and what can be greater? Urgent it is; it is little pleasure to tell or think how urgent: and to tell it with circumstances, were a long work: I will but touch the sum of it in few words.—The Pope and House of Austria have long affected, the one a spiritual, the other a temporal monarchy: and to effect their ends do join together to serve each other's turn. The house of Austria, besides the rich and vast territories of both the Indies and in Africa, are become masters of Spain and Italy, and the great country of Germany; and although France be not under their subjection, yet they have invironed it all about; and in the very bowels of that kingdom swayed by the Popish faction, have gotten such a party and such interest in the government; that, under pretence of aiding to root out the protestants and our religion, they have drawn that king to their adherence so far that, albeit upon his majesty's interposition by his ambassadors, and his engagement of his royal word for just performance, the war between that king and his subjects of the religion was quieted; and his maj. as protector of that Treaty, was interested and bound to procure a good accomplishment of it: yet, against it, and the strict alliance between him and that king, the treaty hath been broken; and those of the religion have been put to all extremity, and undoubtedly will be ruined, without our present help. So as that king is not only diverted from assisting the common cause, but hath been misled to engage himself in hostile acts against our king and other princes; making way thereby for the house of Austria, to the ruin of his own and other kingdoms.—Other potentates, that in former times did balance and interrupt the growing greatness of the house of Austria, are now removed and diverted. The Turk hath made peace with the emperor, and turned himself wholly into wars with Asia. The king of Sweden is embroiled in a war with Poland, which is fomented by Spanish practices, to keep that king from succouring our party. The king of Denmark is chased out of his kingdom on this side the Sound; so as the house of Austria is on the point to command all the sea-coasts, from Dantzick to Embden, and all the rivers falling into the sea in that great extent; so as, besides the power by land, they begin to threaten our party by sea, to the subversion of all our trade.—In the Baltick-Sea, they are providing and arming all the ships they can build or hire, and have at this time their ambassadors treating at Lubeck, to draw into their service the Hans Towns, whereby taking from us and our neighbours the Eastland trade, by which our shipping is supplied, they expect, without any blow given, to make themselves absolute masters of that sea. In these western parts, by the Dunkirkers, and by the new French and Spanish admirals, to the ruin of fishing, (of infinite consequence, both to us, and the Low Countries) they infest all our coast, so as we pass not safely from port to port. And that fleet which lately assisted the French at the Isle of Rhee, is now preparing at St. Andrews, with other ships built on the coast of Biscay to re-inforce it, and a great fleet is making ready in Lisbon; where, besides their own, they do serve themselves upon all strangers bottoms coming to that coast for trade: and these great preparations are, no doubt, to assault us in England or Ireland, as they shall find advantage, and a place fit for their turn.—Our friends of the Netherlands, besides the fear that justly troubles them, lest the whole force of the empire may fall down upon them, are distracted by their long voyages into the East; which hath carried both men and money into another world, and much weakened and almost divided them at home. Thus are we ready on all sides to be swallowed up; the emperor, France, and Spain, being in open war against us; Germany overrun; the king of Denmark distressed; the king of Sweden diverted; and the Low Countries disabled to give us assistance.—I speak not this to increase fears unworthy of English courage, but to press to provision worthy the wisdom of a parliament: and for that cause his maj. hath called you hither, that, by a timely provision against these great and imminent dangers, ourselves may be strengthened at home, our friends and allies encouraged abroad, and those great causes of our fear scattered and dispelled.—And because in all warlike preparations, treasure bears the name, and holds the semblance of the nerves and sinews; and, if a sinew be too short or too weak, if it be either shrunk or strained, the part becomes unuseful; it is needful that you make a good and timely Supply of treasure, without which all counsels will prove fruitless. I might press many reasons to this end; but I will name but few. 1. For his majesty's sake, who requires it. Great is the duty which we owe him by the law of God; great by the law of nature, and natural allegiance; great for his own merit, and the memory of his ever-blessed father. I do but point at

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them: but, methinks, our thoughts cannot but recoil on one consideration touched by his maj. which, to me, seems to sound like a parliamentary pact or covenant. A war was advised here, assistance proffered, yea, and protested here: I do but touch it, I know you will deeply think on it; and the more, for the example the king hath set you; his lands, his plate, his jewels he hath not spared to supply the war: what the people hath protested, the king, for his part, hath willingly performed. 2. For the cause-sake: it concerns us in Christian charity to tender the distresses of our friends abroad; it concerns us in honour not to abandon them, who have stood for us. And if this come not close enough, you shall find our interest so woven and involved with theirs, that the cause is more ours than theirs. If religion be in peril, we have the most flourishing and orthodox church: if honour be in question, the stories and monuments in former ages will shew, that our ancestors have left us as much as any nation: if trade and commerce be in danger, we are islanders; it is our life. All these at once lie at stake, and so doth our very safety and being. Lastly, In respect of the manner of his majesty's demand, which is in parliament; the way that hath ever best pleased the subjects of England. And good cause for it: for Aids granted in parliament work good effects for the people; they be commonly accompanied with wholesome laws, gracious pardons, and the like. Besides, just and good kings, finding the love of their people, and the readiness of their Supplies, may the better forbear the use of their prerogatives; and moderate the rigour of the laws towards their subjects.—This way, as his maj. hath told you, he hath chosen, not as the only way, but as the fittest; not as destitute of others, but as most agreeable to the goodness of his own most gracious disposition, and to the desire and weal of his people. If this be deferred, necessity and the sword of the enemy will make way to the others. Remember his majesty's admonition; I say, remember it. Let me but add, and observe God's mercy towards this land above all others. The torrent of war hath overwhelmed other churches and countries; but God hath hitherto restrained it from us, and still gives us warning of every approaching danger, to save us from surprise. And our gracious sovereign, in a true sense of it, calls together his high court of parliament; the lively representation of the wisdom, wealth, and power of the whole kingdom, to join together to repel those hostile attempts, which have distressed our friends and allies, and do threaten ourselves. And therefore it behoves all to apply their thoughts unto counsel and consultations, worthy the greatness and wisdom of this assembly; to avoid discontents and divisions, which may either distemper or delay; and to attend that unum necessarium, the common cause; propounding for the scope and mark of all your debates, the general good of the king and kingdom whom God hath joined together with an indissoluble knot, which none must attempt to cut or untie. And let all, by unity and good accord, endeavour to pattern this parliament by the best that have been, that it may be a pattern to future parliaments, and may infuse into parliaments a kind of multiplying power and faculty, whereby they may be more frequent; and the king our sovereign may delight to sit on his throne, and from thence to distribute his graces and favours amongst his people. His maj. hath given you cause to be confident of this, by what you have heard from his own royal mouth; which, nevertheless, he hath given me express command to redouble. If this parliament, by their dutiful and wise proceedings, shall but give the occasion, his maj. will be ready, not only to manifest his gracious acceptation, but to put out all memory of those distastes that have troubled former parliaments.—I have but one thing more to add; and that is, as your consultations should be serious, so let them be speedy. The enemy is before-hand with us, and flies on the wings of success. We may dandle and play with the hour-glass that is in our power, but the hour will not stay for us; and an opportunity once lost, cannot be regained. And therefore, so resolve of your Supplies that they may be timely and sufficient, sorting the occasion: your council, your aid, all are but lost, if your aid be too little, or too late: and his maj. is resolved, that his affairs cannot permit him to expect it overlong."

The Speaker's Oration to the Throne.] March 19. The commons presented sir John Finch, for their Speaker; whose speech, for being excused from that office, with the lord keeper's reply, being purely ceremonial, we purposely omit; to come to the speaker's rejoinder. The copy given in Rushworth and the 'Ephemeris Parliamentaria' is very incorrect: but the following is taken from an original MS. communicated by sir John Napier, bart. to the editors of the Parliamentary or Constitutional History, in the hand-writing of his great-grand-father, a member of the house at that time:—

"It is now no longer time, nor good manners, to dispute with my lord the king; but, with all joy and alacrity of heart, humbly and thankfully to meet so great a favour from the best of masters, and the best of men. Therefore, first, I lift up my heart to Him that sits on the Throne of Heaven, 'per quem principes imperant & potentes decernunt justitiam;' humbly begging at his hands that made the tongue, to give me speech, and that framed the heart of man, to give me understanding; for I am but as clay in the hands of the potter, and he will mould me for honour or dishonour as best seems good unto him. Next I bow my knees unto your most excellent majesty, in all humble and hearty acknowledgment of this and many other your great and gracious favours. The truth of my own heart, full of zeal and duty to your maj. and the public as any man's, quits me from all fear of running into wilful

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and pregnant errors; and your majesty's great goodness, of which I have been so large a partaker, gives me strong assurance, that having been, by your gracious beams, drawn up from earth and obscurity, you will so uphold me, by a benign and gracious interpretation of all my words and actions, that I fall not down again, like a crude and imperfect vapour; but consume the remainder of my days in zeal for your majesty's service. This great and glorious assembly, made perfect by your royal presence; like a curious perspective, the more I behold it, with the more joy and comfort I find a lively representation of that true happiness, which, under your maj.'s gracious government, we all at this time enjoy: a better tongue were fitter to express it; but a rich stone retains its value, though ill set. Here, in the fulness and height of your glory, like the sun in the exaltation of his orb, sits your most excellent maj. the sovereign monarch of this famous isle, in a throne made glorious by a long succession of many and great princes. A meditation worthy our better thoughts, that we live neither enthralled to the fury and rage of the giddy multitude, nor yet to the distracted wills of many masters; but under the command of a king, the stay and strength of a people; one, as Homer saith well of kings,

Πολλῶν ἀλλάζιος ἄλλων,

not to be laid in common balance with other men; for kings know no other tenure but God's service, and their value is only tried at his beam: whence the poets said, the parents of the first kings were cœlum & terra; divine institution, and human approbation. Besides, that it is a sovereignty also hereditary; which makes the commonwealth the king's care, as that which is the king's own patrimony, and the inheritance of his children; when elective monarchies quickly run to ruin, and are commonly made poor by the enriching of several private families. On your right hand are the reverend, religious, and learned prelates, the lights of the church, fit to be set in golden candlesticks, and not made contemptible by parity or poverty: lively ideas of that blessing above all the rest, which, by God's great goodness, and your majesty's great piety, this realm enjoys, the liberty of the gospel, and the free profession of God's trúe religion. Your maj. passed the fiery trial in Spain, and gave us then assurance that your faith was built on that rock, against which the gates of Hell shall never prevail. Since your coming to the crown, by your royal edict, you have banished those incendiaries of Rome, the Priests and Jesuits, enemies to our church and state; so that now they are either gone, or lurk in corners, like the sons of darkness. You have given life to the laws against Recusants; and, by your own pious example, have drawn more than you have compelled to come to church. Yet 'coge ingredi, ut implentur domus mea,' was his command that made the great feast, and is the duty of magistrates. And certainly, dread sovereign, true religion will ever be a target to them that are a buckler to it: no cement so strong to hold your subjects hearts together in their due obedience. Our religion never bred a Clement or a Ravilliac: and that execrable villainy, never to be forgotten here; when all of us, horresco referens, in an instant should have been turned into ashes, and those scattered in the wind; was a monster that could never have been engendered, but by the Devil or the Jesuits.—On your left hand sit your nobles, the lights of honour, full of courage and magnanimity; yet in a right distance between crown and people, neither overshadowing the one, or oppressing the other.—Before your throne, like the 12 lions under Solomon's throne, sit the lights of justice, your grave judges and sages of the law; learned and just as many ages have known, and learning justice by your great example. Our laws, as excellent as they are, (I am sure no human laws excel them, nor could so well suit with the constitution of this people) were they in the power of corrupt or ignorant men, (I know not which were worse, for one will perhaps oftener err than the other bribe) justice could never keep her right channel, nor run clear; as in your maj.'s happy reign it ever hath.—I must not forget the other lights, the knights, citizens, and burgesses, the representatives of the third estate; who, although they move lower, and at more distance from your royal person, yet, I am confident, will ever be found constant to the poles of love and loyalty.—It is a gracious favour of your maj. and our former kings, which I have often thought on, that when both houses are humble suitors for any thing, they are never denied; le roy s'avisera, (the king will advise of it) is the greatest denial. And I assure myself your maj. will find all your subjects so full of duty to your crown, and of true and loyal affection to your royal person, that you shall never have cause to think your gracious favours ill bestowed on them. This union of hearts, sir, is a greatness beyond that of the kingdom to which you are heir:

'Et penitus toto divisos Orbe Britannos,'

is a name of advantage to this island, if the division be not among ourselves; which the God of Unity, for his mercy's sake, forbid; and so knit our hearts in love one to another, and all of us in love and loyalty to your most excellent majesty, that this renowned island perish not by our distractions; but may ever flourish, and be like Jerusalem, the city of God, where his name may be for ever honoured. Great and glorious have been the actions of your royal progenitors; yet greater remain for your majesty; and most of theirs attend you for their perfection and consummation.—The first Christian king of Europe; the first that abated the swelling pride of the Pope of Rome, by banishing his usurped power over God's true vice-gerent; the first that established the true religion now profest, were all kings of England; and the last a young one.—Queen Elizabeth, though a woman, yet Spain hath cause to remember her; the protestants of France and

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the Low Countries will never forget her: and were Henry the Great alive, he would say, That, in requital of the love this kingdom shewed him in her days, he hath sent us one of his own loins, your royal consort, our most gracious queen, to propagate these blessings to us and our posterity for ever.—Your father, of ever blessed and famous memory, had a reign like Solomon's; for religion, no man knew more; nor no man's knowledge was of higher lustre and advantage to it: This age shall deliver it to the next, and all ages shall see it in his kingly works.—But while under his glorious reign, we abounded in peace and plenty, our hands had forgot to war, and our fingers to fight, till at last, by your princely mediation, upon the humble suit of both these houses, the two Treaties were dissolved; and a foundation laid for your maj. to restore us to our antient and military honour; which I doubt will not quickly be.—Eritis sicut dii, was the serpent's counsel, and ruined mankind; nor is it fit for private men, much less for me, to search into the counsels or actions of kings: only, sir, give me leave, from an heart full of zeal to your glory and greatness, to say to your maj. The times require you, religion calls upon you, to go on with that kingly courage you have begun, till the state of Christendom be settled in the right balance again.—We see how the eagle spreads his wings in Germany, reaching with his talons as far as the Sound and Baltic sea, Denmark and Sweden in danger of utter ruin; we see all the electorates, the choice of the empire, invested, in a manner, solely in the house of Austria; our religion in France, and every where, never so near a period: and we know who it is for whom all this works; he of whom the boast is made, Ille cui monarchia mundi nascitur; who, by the ruin of us and our religion, will make a new Zodiack, and draw his Ecliptic Line through the east and West Indies: but He that sits on high, will, in his good time, laugh them to scorn; and, as that wise woman said to king David, 'God will make to my lord the king a sure house, if my lord the king will fight the battles of Jehovah:' and let all England say, Amen.—I have presumed too far upon your royal patience, and therefore I will conclude with a few words for them that sent me, who are humble suitors to your excellent maj.: 1. For better attending the public and important services of the house, that ourselves and necessary attendance may be free, both in our persons and goods, from all arrests and troubles, according to our antient privileges and immunities. 2. That since, in all great counsels where difference of opinion is, truth is best discovered by free debates; your majesty, according to our like antient use and privilege, will be graciously pleased to allow us liberty and freedom of speech; and, I assure myself, we shall not pass the latitude of duty and discretion. 3. That upon all occurrences of moment, fit for resort to your own person, your maj. upon our humble suit, at your own best leisure, will vouchsafe us access to your royal person. 4. That all our proceedings, being lodged in our heart with belief of our zeal and loyalty, we may reap the fruits of it by your maj.'s gracious and favourable interpretation of all our actions.—One word more I humbly beg for myself: 'That though it be but the beginning of a parliament, I may now and ever enjoy your maj.'s most gracious, general and free pardon."

The Lord Keeper's Answer.] To this the Lord Keeper answered:* —"Mr. Speaker, His majesty, with no less content than attention, hath heard your eloquent discourse: he observes your beginning with his gracious encouragement and advice; not forsaking your humble modesty, but adding to it thankfulness, alacrity, and joy of heart; a just and right temper. He observes you derive these aright. First, from the Throne of Heaven: he looks thither with you, and joins in prayer, that both he and all this assembly may, by that divine hand and power, be moulded into unity for the honour, safety, and good of the church and kingdom. Next, you apply yourself to the throne on earth: his maj. doth graciously accept your protestations of the truth of your heart, the fulness of your zeal and duty to his maj. and the public: he believes it; and that not in you alone, but in all this assembly, so that you are secure not only from wilful and pregnant errors, but from doubt of sinister interpretation.—My lord the king is as an angel of God, of a quick, of a noble and just apprehension; he strains not at gnats; he will easily distinguish between a vapour and a fog, between a mist of error and a cloud of evil; right he knows if the heart be right: for out of the abundance of the heart the mouth speaketh.—You proceed to a survey of the lustre of this great and glorious assembly; and in that, as in a curious crystal, you observe the true happiness which we all here enjoy. You have distributed and divided aright; and whosoever sees it otherwise hath an evil eye, or a false glass. We have enjoyed it long, through the happy means of gracious and good princes; and the way to enjoy it still, is to know and heartily to acknowledge it, and that 'God hath not done so to any other nation.'—The prime cause or means of this our happiness is, as you mention, the form of government under which we live; a monarchy, and the best of monarchies, where sovereignty is hereditary; no inter regnum or competition for a crown; descent and succession are all one. The spirit of God, by the mouth of the wisest of kings, long since proclaimed this happiness, 'Blessed art thou, O land, when thy king is the son of nobles.'—The frames of other states are subject, some to inconstant levity, some to fraction, some to emulation and ambition; and all to manifold distempers, in which the people go to wreck. Monarchy is the most natural, and in it unity

* From the 'Ephemeris Parliamentaria,' compared by the Manuscripts and Rushworth.

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is the best cement of all government; principally in respect of the unity of the head, which commands the rest. And, therefore, other states, when they have tried a while, do, for the most part, resolve into this; as into the best, for peace, for strength, and for continuance. But forms of other governments, though never so exact, move not of themselves, but are moved of their governors: and, therefore, our monarchy, (as you have truly said) and this glorious assembly, the lively image and representation of our monarchy, are made happy and perfect by the royal presence, that sits here in his highest royal throne; the throne of the law-giver, glorious in itself, glorious by those happy laws and oracles which have issued from it, and most glorious by them that sit on it, his maj. and his royal progenitors; incomparable kings, that, with so much honour, have swayed the scepter of this kingdom so many successions of ages.—In the next place, after the throne of maj. you look into the chair of doctrine, the reverend prelates; and upon the state of religion, their proper charge. This is the blessing of all blessings, the pledge and assurance that secures to us all the rest; that as our religion is most sincere and orthodox, so our clergy are eminent, both for purity of doctrine and integrity of life; our priests are cloathed with righteousness, and their lips preserve knowledge; and, therefore, God's saints may and do sing with joyfulness. I must join with you in attributing this our transcendent blessing, as in the first place, to God's goodness; so, in the second, to his majesty's piety; who, following the steps of his ever-blessed father, is careful that all the lamps of the church may be furnished with oil; and especially those, which are set on golden candlesticks, with the purest oil. The schools also, and nurseries of learning, never so replenished, especially with divinity, as in this last age; and as they all shew his majesty's piety, so are they infallible arguments of his constancy.—The trial, which you call the fiery trial, undergone by his maj. in a place of danger, and against the power and policy of Rome and Spain, have approved his resolution immutable; and his own remarkable example in his closet and his chapel, his strict over-sight of, and command to his houshold servants, and his charge to his bishops and judges, his edicts, his proclamations and commissions, and the like for the execution of the laws, and his general care to preserve the fountain pure both from schism and superstition, are fair fruits and effects of a pious and zealous government.—From the chair of doctrine, you turn to the state of honour, unto the nobles and barons of England. These are robur belli, who, for the service of the king and kingdom, are to make good with their swords what the churchmen must hallow and bless by their prayers. And therefore, as the prelates are the great lights of the church, so the nobility are the stars of the state; and you know that the stars have fought, and fought powerfully, against the enemies of God.—From the state of honour, you come to the state of justice, and to the 12 lions under Solomon's throne, the judges and sages of the law; and as their peculiar charge intrusted to them by our sovereign, the laws of the kingdom: laws undoubtedly fitted to the constitution of this people, for Leges Angliæ and Consuetudines Angliæ are synonyma, and Consuetudo est altera natura; so as, besides the justness and rightness of the laws, they are become natural to our people; and that is one of the powerfulest means which begetteth obedience: and such laws, in the mouths of learned and upright judges, are like waters in a pure channel; which the fairer it runs, the clearer they run, and produce that whereof Solomon speaks, 'When the righteous are in authority, the people rejoice.'—From the law, you pass to the knights, citizens and burgesses, or the third estate, who represent the commons of England, in whom the scripture is verified; 'In the multitude of people is the king's honour:' and, therefore, you may be sure that distance of place and order breeds no distance in affection; for wise kings ever lay their honour next to their hearts, kings are pastores populi; and the shepherd's care is nothing less to the furthest, then to the next part of this flock; and it is as much towards the least of his lambs, as towards the greatest cattle. And as in the natural body, no member is so remote, but it is still within the care of the head: so in this great politic body of the kingdom, no rank or order of people is so low, or at such distance from the throne, but it daily feels the influence and benefit of the king's care and protection. And, to say the truth, in a well-governed kingdom, the superior ranks of nobles, of judges, and of magistrates, are not ordained for themselves, but as conduits for the king's justice, protection and goodness to the lower ranks of his people: and as the people are, so it is just cause they should be, constant to the poles of love and loyalty.—And thus having pursued both houses by divided parts, you join them together; and in that junction, you observe truly and materially that the greatest denial of their joint requests, is, "The king will advise." A note very remarkable: it shews the indulgence of kings; it shews also the wisdom and judgment of the houses; the king not willing to deny his people; people not willing to press their king to a denial: the one wise and modest in their requests, and the other moderate and sweet in the answer; this is the antient and right way of union in parliament. May the God of Unity keep it in this, and all ensuing parliaments! This union you rightly call the union of hearts, and a greatness beyond the kingdoms which the king inherits: so then it is a present fit for a wise people to offer to their gracious king. Wise and magnanimous kings are a special gift from God, having hearts capable of greatness: union of hearts is greatness, and greatness was never unwelcome to kings; and therefore present and offer it to your king, and you cannot

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doubt of acceptance.—Having spoken of union, you fall presently into a memorial of the great and glorious actions of his majesty's predecessors, and into the height and contemplation of greater that remain. If I mistake not your meaning, you would have it understood, that the union of prince and people made way to those remarkable acts of former times; and that we that wish the like success in our time, should look back upon our forefathers. Wisdom requires it; honour and the times require it, that we should shew ourselves the sons of our ancestors, at least, in holding that which they left us. The pride of Rome abated, as you say, by England, now lifts up her horns again: religion, God's vine planted and deeply rooted here, over-spread into our neighbour countries, hath of late lost many of her goodly branches. The Austrian Eagle, that wanted feathers till of late, now soars and preys at will over all. Spain, so often foiled by us, hath, by disguised treaties, despoiled of their patrimony those princely branches of our royal cedar; and posts apace to his universal monarchy, to the ruin of us, our friends and religion. God hath his time, and I trust a time to stop their course: I know not but we may expect it as well now as ever. There is a resolution in our king, and there is, I trust, (for I am sure there was) a resolution in our parliament, for great actions. Our king as he hath a Solomon, so hath he many Davids in the glorious catalogue of his royal descent; and hath linked himself to the house of Henry the Great, who bears a glorious and auspicious name suitable to his thoughts and desires: and, therefore, since honour and religion call for it; and since you have encouraged him to fight Jehovah's battles, let all put to their hands, that our king and nation may have the honour to set Christendom in her right balance.—And now to come to the petitions you have made for the house. His maj. most graciously and readily grants them all, according to your true and antient rights and previleges of parliament; which, his maj. trusts, you will take care not to exceed or transgress; and, therefore, you may go chearfully together, and speedily set about the public affairs. And may Almighty God prosper the works of your hands, I say, the Almighty God prosper your handy-work!"

The Commons receive the Sacrament.] Mar. 20. It was ordered, 'That all the members of that house should receive the communion at St. Margaret's church, Westminster, on Sunday the 6th of April next.' Particular persons were assigned to see that each member took the same; who were to have, and produce in the house, certificates of it, before they were allowed to sit there. But, lest this act of devotion should be termed, as it had been, an old stale trick to catch concealed papists by, it was followed by a motion for a committee to be appointed, to draw up a Petition to the king, for a General Fast, to be observed throughout the kingdom. This Petition was drawn, read and agreed unto, the next day; and the lords were desired to concur with them in it; which, being also consented to, the petition was presented to the king, in hæc verba:

Petition of both Houses for a Fast.] "Most Gracious Sovereign, We your most humble and loyal subjects, the lords spiritual and temporal, and commons, in this present parliament assembled; upon a tender and compassionate sense of the extreme calamities of the Reformed Churches abroad; and with much sorrow, apprehending the displeasure of Almighty God, declared against ourselves, by the manifold evils already fallen upon us and those which are further threatened; (as by your sacred maj. were intimated unto us) even to the utter destruction and subversion of this church and state, all which our sins have most justly deserved: and being now, by your majesty's gracious favour, assembled in parliament, (as the Great Council of this your kingdom) to consult of such means, as we think fittest, to redress the present, and prevent the future evils; wherein we, through God's blessing, intend to employ our utmost endeavours, with as good hearts to your maj. and the public service, as ever people did, humbly beseech your maj. that by your special command, one or more days may be, forthwith, solemnly set apart; wherein, both ourselves and the whole kingdom may by fasting and prayers, seek reconciliation at the hands of Almighty God; and with humble and penitent hearts beseech him to remove those miseries that lie upon us and our neighbour churches; to avert those which are threatened; to continue the favours we yet enjoy; and, particularly, to bestow his abundant blessing upon your maj. and this present parl.; so that all our councils and resolutions, being blessed by his Divine Assistance, may produce much honour, safety, and happiness to your maj. your people, and allies."

The King's Answer.] To the above Petition, the king returned this answer. "His maj. is well pleased with the petition, and is well content to have a Fast: as for the time of keeping it, he appoints Saturday, April 5, in London, Westminster, and by both houses. Before which time it may be hoped that we shall have cause to praise God for the good success of what we shall, by that time, resolve on; as, also, beg his mercies towards others, of our religion, now in danger and calamities, and both these in one." The king appointed the 21s of April for a general Fast throughout the rest of the kingdom.

Debate upon Public Grievances.] The commons went now upon the old topic of Grievances; and many complaints were made against the government, for Billetting of Soldiers; Raising Money by Loans, by Benevolences and Privy Seals: and, what was too fresh in memory, the Imprisonment of certain gentlemen, who refused to lend, upon that account, and afterwards, bringing their Habeas Corpus, were, nevertheless, remanded to prison. All these took place before the Supply;

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nor did the house incline to grant any till these Grievances were redressed. In the debate upon these matters, several speeches of the members are preserved both in print and manuscript; all which we have ranged in the best order we could, distinguishing the several authorities from whence they are taken: it happened on the 22nd of March, and was opened by sir Francis Seymour, to the following effect:*

Sir *Francis Seymour.* 'This is the great council of the kingdom; and here, if not here alone, his maj. may see, as in a true glass, the state of the kingdom. We are all called hither, by his writs, to give him faithful counsel; such as may stand with his honour; but that we must do without flattery: and being chosen by the commons to deliver up their just Grievances, this we must do without fear. Let us not be like Cambyses's judges; who, being asked by him concerning something unlawful, said, 'Tho' there were no written law, the Persian kings might do what they list.' This was base flattery, fitter for reproof than imitation; and as flattery, so fear taketh away the judgment. I shall shun both these; and speak my mind with as much duty to his maj. as any man, not neglecting the public. But how can we speak our affections while we retain our fears, or speak of giving, till we know whether we have any thing to give: for if his maj. may be persuaded to take what he will, what need we to give? That this hath been done, appeareth by the Billetting of Soldiers; a thing no way advantageous to his service, and a burthen to the commonwealth: the Imprisonment of gentlemen for the Loan; who if they had done the contrary for fear, their faults had been as great as those who were the projectors of it. To countenance these proceedings, hath it not been preached in the pulpit, or rather prated, 'All we have is the king's jure divino?' But when preachers forsake their own calling, and turn ignorant statesmen; we see how willing they are to change a good conscience for a bishoprick. It is too apparent the people suffer more now than ever: will you know the true reason? We shall find those princes have been in greatest wants and necessities, that have exacted most of their subjects. The reason is plain: a prince is strongest by faithful and wise counsel: I would I could truly say such had been employed abroad. I speak this to shew the defect proceeded not from this house. I must confess he is no good subject that would not willingly and freely lay down his life, when the end may be the service of his maj. and the good of the commonwealth: but he is no good subject, but a slave, that will let his goods be taken from him against his will, and his liberty against the laws of the kingdom. In doing this we shall but tread the steps of our forefathers, who still preferred the public interest before their own rights, nay, before their own lives. It will be a wrong to us, to our posterities, to our consciences, if we shall forego this. This we shall do well to present to his maj. I offer this in the general, thinking the particulars fitting for committees. What I may now say, or shall then, I submit to better judgments.'

Sir *John Elliot* did passionately and rhetorically set forth our late Grievances; he misliked much the violating of our laws, urged many good arguments for our propugning them; and concluded for a committee.*

Sir *Humphrey May.* 'Let us take heed of distrusting the king, who is young and vigorous, full of spirit and courage, and may be won to our desires by our complying: he alledged all these illegal proceedings were actions of necessity, and the like; with other things, by way of excuse.*'

Sir *Tho. Edmonds.* 'The king congratulating this present parliament, he prays for a speedy Supply; he assures us of his gracious inclination towards us, and of the consequences of this meeting; doth intimate how much the safety of ourselves and confederates abroad depends upon the good success thereof, and he wisheth a general oblivion of things that are past, lest they cause distractions anew, without a primary and free Supply to his majesty.*'

Sir *Rob. Philips.* 'I read of a custom among the old Romans, that once every year they had a solemn feast for their slaves; at which they had liberty, without exception, to speak what they would, thereby to ease their afflicted minds; which being finished, they severally returned to their former servitude. This may, with some resemblance and distinction, well set forth our present state; where now, after the revolution of some time, and grievous sufferance of many violent oppressions, we have, as those slaves had, a day of liberty of speech; but shall not, I trust, be hereafter slaves, for we are free: yet what new illegal proceedings our states and persons have suffered under, my heart yearns to think, my tongue falters to utter. They have been well represented by divers worthy gentlemen before me; yet one Grievance, and the main one, as I conceive, hath not been touched, which is our Religion: religion, Mr. Speaker, made vendible by commission; and men, for pecuniary annual rates, dispensed withal; whereby Papists may, without fear of law, practise idolatry. For the oppressions under which we groan, I draw them under two heads; Acts of Power against Law, and Judgments of Law against our Liberty. Of the first sort are, strange Instructions; violent Exactions of Money thereupon; Imprisonment of the Persons of such who (to deliver over to their posterity the liberty they received from their fore-fathers, and lawfully were in possession of) refused so to lend; and this aggravated by the remediless continuance

* From Sir John Napier's manuscript, see p. 222.

* From the 'Ephemeris Parliamentaria,' corrected by sir J. Napier's MS.

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and length thereof: and chiefly, the strange, vast, and unlimited power of our lieutenants and their deputies; in billetting of soldiers, in making rates, in granting warrants for taxes as their discretions shall guide them: and all this against the law. These last are the most insupportable burdens that, at this present, afflict our poor country; and the most cruel oppression that ever yet the kingdom of England endured. These upstart deputy-lieutenants (of whom, perhaps, in some cases and times, there may be good use, being regulated by law) are the worst of grievances; and the most forward and zealous executioners of those violent and unlawful courses which have been commended unto them; of whose proceedings, and for the qualifying of whose unruly power, it is more than time to consult and determine. Judgments of law against our liberty there have been 3; each latter stepping forwarder than the former, upon the Right of the Subject; aiming in the end to tread and trample under foot our law, and that even in the form of law. The 1st was the judgment of the Postnati (the Scots); whereby a nation (which I heartily love for their singular good zeal in our religion, and their free spirits to preserve our liberties far beyond many of us) is made capable of any the like favours, privileges, and immunities as ourselves enjoy; and this especially argued, in the Exchequer-chamber, by all the Judges of England. The 2d, was, the Judgment upon Impositions, in the Exchequer-court by the barons; which hath been the source and fountain of many bitter waters of affliction unto our merchants. The 3rd was, that fatal late Judgment against the Liberty of the Subject imprisoned by the king, argued and pronounced but by one judge alone.—I can live, although another who has no right be put to live with me; nay, I can live although I pay excises and impositions more than I do; but to have my liberty, which is the soul of my life, taken from me by power; and to have my body pent up in a gaol, without remedy by law, and to be so adjudged: O improvident ancestors! O unwise forefathers! To be so curious in providing for the quiet possession of our laws, and the liberties of parliament; and to neglect our persons and bodies, and to let them lie in prison, and that durante bene-placito, remediless! If this be law, why do we talk of liberties? Why do we trouble ourselves with a dispute about law, franchises, property of goods, and the like? What may any man call his own, if not the Liberty of his Person? I am weary of treading these ways; and therefore conclude to have a select committee deputed, to frame a Petition to his maj. for redress of these things; which being approved by the house, may be delivered to the king; of whose gracious Answer we have no cause to doubt, our desires being so reasonable, our intentions so loyal, and the manner so humble: neither need we fear this to be the critical parliament, as was insinuated, or this a way to distraction; but assure ourselves of a happy issue. Then shall the king, as he calls us his great council, find us his true council, and own us his good council. Which God grant!"*

Mr. *Godwin.* 'It hath pleased his maj. in his last speech, to intimate unto us the cause of our meeting; which is to grant Supply against the great and common dangers that threaten the ruin of this kingdom; and as the time of our sitting cannot be long, he therefore wisheth us to avoid all tedious resolutions. In conformity whereunto I propound, That, laying aside all other matters, we address ourselves to that for which we were called hither; wherein, as in the first place, we have well begun, in our pious humiliation towards Almighty God, so let us now proceed to serve and supply the king; yet so as to satisfy our country that sent us hither, and preserve our rights and privileges; which have as surely been broken and infringed, as undoubtedly they belong to us.*'

Sir *Benj. Rudyard.* "It is the goodness of God, and the favour of the king, that hath brought us again to this place, and if we be thankful to both, as our duty to both requires, our meeting certainly will be crowned with a blessing. This is the crisis of parliaments; by this we shall know whether parliaments will live or die: besides, the eyes of Christendom are upon us; the king and the kingdom will be valued, and disvalued, both by enemies and friends, according to the success of this parliament. The council here in this house will have an expectation upon all the councils of Christendom; our lives, our fortunes, and our religion depend upon the dissolution of this assembly, wherefore we had need to be wise. His maj. hath already begun in affection, proclaiming, through the whole kingdom, that he relies wholely upon our loves; which, if we do not answer in our actions, we are worse than unworthy of his. The cause why we are called hither is, to save ourselves; and self-preservation is a thing so natural, as sure no man needs to be persuaded to it. We are not now upon the bene esse of the kingdom, we are upon the very esse of it; whether we shall be a kingdom or no; when we have made it sure that England is ours, then may we have time to prune and to dress it. Is it a small matter think you, that we have actually invaded the territories of two of the most powerful kings of Christendom, provoking them only, without weakening them at all? Nay, that they are both united and become better friends, than ever they meant to have been? Seems it a small thing unto you, that we have beaten ourselves, more than our enemies could have done? And shall we still continue to do so by our divisions, by our distractions? Men and brethren, what shall we do? Is there no balm in Gilead? Is there no remedy here? Then is it no where to be found, but in ruin? If we persevere, the king to draw one way, the parliament another, the common-wealth must sink in the midst: but I hope

*From the 'Ephemeris Parliamentaria' and MSS.

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better things of so grave, so wise an assembly. I am no man's advocate, for I ever held it a thing beneath the dignity, against the integrity of this house, to respect any particular, but as he concerns the general; neither am I so wise or so presumptuous, as to condemn whatsoever hath been determined by a major part, in this place. Yet, sir, give me leave to say this, that one parliament may instruct another, as one day telleth another. Out of which consideration, I humbly beseech this house, to be curiously wary and careful to avoid all manner of contestation, personal or real. The hearts of kings are great, as are their fortunes; then are they fitted to yield, when they are yielded unto. It is comely and mannerly, that princes, in all fair appearance, should have the better of their subjects. Let us give the king a way to come off like himself; for I do verily believe, that he doth, with longing, expect the occasion. Notwithstanding, it is not only lawful for us, but it is our duty, both to advertise and advise the king, concerning the weighty affairs of the kingdom, else are we so far from being a great council, as we are no council at all. But the way to shew that we are the wise counsellors that we should be, is, to take a right course to attain the end of our counsels, which in my opinion, may, by this means, be compassed: by trusting the king, thereby to breed a trust in him towards us; for, without mutual confidence, a good success is not to be expected; by giving a large and ample Supply, proportionable to the greatness and importance of the work in hand; for counsel without money is but a speculation: by prostrating our grievances and advices, modestly and humbly at his majesty's feet; for from thence are they likeliest to find a way to his majesty's heart: by making it appear, that whatsoever we shall omit or abate, proceeds merely out of a dutiful and awful respect to the king only; for the body of a parliament acknowledgeth but one head: and, to say all at once, let our whole labours and endeavours be, to get the king on our side, for then shall we obtain whatsoever we can reasonably expect or desire. And this may be no hard matter to effect, considering the nearness of relation, between the king and his subjects, is such, as neither can have existence without the other. As concerning the bill brought in by that hon. and reverend person, (Sir Edw. Coke) it is, no doubt, necessary for the preservation of the Liberty of the Subject; for this I speak resolutely, he, that is not safe in his person and his goods, dwells not at home.'*

Sir *Tho. Wentworth.* 'May this day's resolution be as happy as I conceive the proposition which now moves me to rise, to be seasonable and necessary: for whether we shall look upon the king or his people, it did never more behove this great physician, the parliament, to effect a true consent amongst the parties than now. This debate carries with it a double aspect; towards the sovereign, and towards the subject; though both be innocent, yet both are injured; both to be cured. In the representation of injuries I shall crave your attention; in the cure, I shall beseech your equal cares and better judgments. In the greatest humility I speak it, these illegal ways are Punishments and marks of indignation; the raising of money by Loans, strengthened by commission, with unheard of instructions; the billeting of Soldiers by the lieutenants, have been as if they could have persuaded Christian princes, nay worlds, that the right of empire was to take away goods by strong hand; and they have endeavoured, as far as was possible for them, to do it. This hath not been done by the king, (under the pleasing shade of whose crown, I hope we shall ever gather the fruits of justice) but by projectors; these have extended the prerogative of the king beyond its just limits, which marrs the sweet harmony of the whole. They have rent from us the light of our eyes; enforced companies of guests worse than the ordinances of France, vitiated our wives and daughters before our faces, brought the crown to greater want than ever it was, by anticipating the revenue: and can the shepherd be thus smitten, and the flock not be scattered? They have introduced a privy council, ravishing, at once, the spheres of all antient government; imprisoning us without bail or bond. They have taken from us, what shall I say? Indeed what have they left us? They have taken from us all means of supplying the king, and ingratiating ourselves with him, by tearing up the roots of all property; which, if they be not seasonably set into the ground by his majesty's hand, we shall have, instead of beauty, baldness. To the making of all these whole I shall apply myself, and propound a remedy to all these diseases. By one and the same thing hath the king and people been hurt, and by the same must they be cured: to vindicate what? New things? No; our antient, lawful, and vital liberties, by reinforcing of the antient laws made by our ancestors; by setting such a stamp upon them, as no licentious spirit shall dare hereafter to enter upon them. And shall we think this a way to break a parliament? No: our desires are modest and just. I speak truly, both for the interest of the king and people. If we enjoy not these, it will be impossible to relieve him: therefore let us never fear but they will be accepted by his goodness. Wherefore I shall descend to my motion, which consists of four parts; two of which have relation to the Persons, and two to the Property of our goods. 1st. For our Persons, the freedom of them from imprisonment, and from employments abroad, against our own consents, contrary to the antient customs of this kingdom. The 2nd, for our Goods, That no levies may be made

* From Sir John Napier's MS. In the Ephemeris Parliamentaria, Rushworth, and a MS. account of the Proceedings of this parliament in the Harleian Library, there are only a few broken hints of this speech.

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but by parliament; and no billeting of soldiers. It is most necessary that these be resolved, that the subjects may be secured in both. Then, for the manner, it will be fit to determine it by a grand committee.' *

Sir *Edw. Coke.* "Dum tempus habemus, bonum operemur. I am absolutely for giving Supply to his maj. yet with some caution. To tell you of foreign dangers and inbred evils, I will not do it; the state is inclining to a consumption, yet not incurable; I fear not foreign enemies; God send us peace at home: for this disease, I will propound remedies; I will seek nothing out of my own head, but from my heart; and out of acts of parliament. I am not able to fly at all Grievances, but only at Loans. Let us not flatter ourselves. Who will give Subsidies, if the king may impose what he will? And if, after parliament, the king may enhance what he pleaseth; I know the king will not do it. I know he is a religious king, free from personal vices; but he deals with other men's hands and sees with other men's eyes. Will any give a subsidy, if they are to be taxed after parliament at pleasure? The king cannot lawfully tax any by way of Loans. I differ from them, who would have this of Loans go amongst Grievances; for I would have it go alone.—I'll begin with a noble record: it chears me to think of it, 26 Edw. 3. It is worthy to be written in letters of gold: 'Loans against the will of the subject, are against reason, and the franchises of the land, and they desire restitution.' [Vol. 1. p. 117.] What a word is that franchise? The lord may tax his villain high or low, but it is against the franchises of the land, for freemen to be taxed, but by their consent in parliament. Franchise is a French word, and in Latin it is Libertas. In Magna Charta it is provided, that 'Nullus liber homo capiatur vel imprisonetur, aut dissesietur de libero tenemento suo, &c. nisi per legale judicium pariun suorum, vel per legem terræ:' This Charter hath been confirmed by sundry good kings, above thirty times."*

Sir *John Cooke,* (secretary of state.) 'I had rather you would hear any man than me. I will not answer what hath been already spoken. My intent is not to stir, but to quiet; not to provoke, but to appease: my desire is, that every one resort to his own heart to re-unite the king and the state, and to take away the scandal from us. Every one speaks from the abundance of his heart: I do conclude, out of every one's conclusion, both to give to the king, and to redress Grievances; all the difference is about the manner. We are all inhabitants in one house, the common-wealth. Let every one amend his own house, for somewhat is amiss in every one; but if all the house be on fire, will ye then think of mending what is amiss? Will ye not rather quench the fire? The danger all apprehend; the way that is propounded, I seek not to decline. Illegal courses have been taken, it must be confessed; the redress must be by laws and punishment: but, withal, add the law of necessity: necessity hath no law, you must enable the state to do, what you do, by petition, require. It is wished that we begin with Grievances: I deny not that we prepare them, but shall we offer them first? Will not this seem a condition with his maj.? do we not deal with a wise king, jealous of his honour? all the Subsidies we can give cannot advantage his maj. so much, as that his subjects do chearfully agree to supply him: this will amaze the enemy more than ten subsidies: begin therefore, with the king, and not with ourselves.'

But neither this day, nor the next, produced any resolutions; the time being spent in a general opening of Grievances from all parts of the kingdom.

DEBATES ON THE SUPPLY.] We are obliged to Rushworth for the following Debates on the Supply, &c. which were opened by Mr. Secretary Cooke, on the 24th March, to this effect.

Mr. Secretary *Cooke.* 'We all think fit, that both Supplies and Grievances go hand in hand together; but let me put you in mind of that which concerns the king: let him have the precedency of honour, if not of time: let the heads of the king's Supply first be propounded; this will be an honour to the king, and will do service to the house; the end of this parliament is the subsistence of the king, as he himself hath declared; and such a command is not now to be slighted: the king himself propounded it, and then he will agree with us in other requests that are fit for a king to give: we, that have the happiness to attend his maj. can tell you, that no king is more ready to hear the complaints of his subjects; and, withal, you know no king is more sensible of all reproaches which touch his honour. Will it not be fit to grant him this honour, to have the precedency? It was the speech of an antient parliament-man, Let us deal gently with our king: by these laws that we make, we do bind ourselves, and it is an addition to his power: none dies, but he leaves his heir to the favour of the king: we having made our first union with God, it is next intended, that we be at one with our king: is it not fit we be at peace with our head? his maj. desires it, and expects it. After this unity with our head, there is consideration to be had of unity with ourselves: after this, we shall be all knit in one body, we shall all pronounce clearly Shiboleth; and we shall consider of the grievances and irregularities of the times, which none desires to be reformed more than his maj. and those whom you think most averse: let us take the best way for reformation: and will not this be an happy union if the whole body concur to reduce all into regularity? If laws be our birthrights, we shall hereby recover them and their splendor: this will have a good aspect abroad,

* From a MS. in the Harleian Library: but there is an abstract of it in Rushworth.

† This and the following are from Rushworth, p. 502. corrected by the MSS.

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and will give courage to our men that have been despised; it will prevent practices to continue divisions amongst us, both at home and abroad.—The first sower of seeds of distractions amongst us, was an agent of Spain, Gondomar, that did his master great service here and at home. Since that we have had other ministers that have blown the fire: the ambassador of France told his master at home, what he had wrought here the last parliament, namely, divisions between king and people; and he was rewarded for it. Whilst we sate here in parliament, there was another intended Parliament of Jesuits in Clerkenwell, and other well-willers, within a mile of this place: that this is true, was discovered by letters sent to Rome; the place of their meeting is changed, and some of them are there where they ought to be: if you look in your kalendar, there is a day of St. Joseph; it was called in the letter the oriental day, and that was the day intended for their meeting. I speak this, to see God's hand to work our union by their division; they are not more rent from us, than they are from themselves. I desire the meanest judgment to consider what may follow by giving precedency to his maj.; and, by so doing, we shall put from ourselves many imputations. If we give any occasion of breach, it is a great disadvantage; if otherwise, it is an obligation to the king, which his maj. will not forget.'—Then he made a motion, That the same committee may hear Propositions of general Heads of Supply, and afterward go to other businesses of the day for Grievances. Others preferred the consideration of Grievances, as a particular root that invades the main Liberty of the Subject. It is the law, said they, that glorious fundamental right, whereby we have power to give; we desire but that his maj. may see us have that right therein, which, next to God, we all desire; and then, we doubt not, but we shall give his maj. all the Supply we can.

March 25. Mr. Secretary *Cooke* tendered the house certain Propositions from the king touching Supply; and told them, That his maj. finding time precious, expects that they should begin speedily, lest they spend that time in deliberation, which should be spent in action: that he esteems the Grievances of the house his own, and stands not on precedence in point of honour: therefore to satisfy his maj. let the same committee take his maj.'s Propositions into consideration, and let both concur, whether to sit on the one in the forenoon, or the other in the afternoon; it is all one to his majesty.

Hereupon the house went into a committee; and commanded Edw. Littleton, esq. into the chair; and ordered the committee to take into consideration the Liberty of the Subject, in his person and in his goods; and also to take into consideration his maj.'s Supply. In this debate, the Grievances were reduced to 6 heads, as to our Persons. 1. Attendance at the Council-board. 2. Imprisonment. 3. Confinement. 4. Designation to Foreign Employment. 5. Martial Law. 6. Undue Proceedings in Matter of Judicature.—The first matter debated, was the subject's Liberty in his Person: the particular instance was, in the case of sir John Heveningham, and those other gentlemen, who were imprisoned about Loan-money; and thereupon having brought their Habeas Corpus, had their case argued, and were nevertheless remanded to prison; and judgment, as it was then said, was entered.—Hereupon

Mr. *Creskeld*, (of Lincoln's-inn,) spake to this purpose:*—"I stand up to speak somewhat concerning the point of the Subject's Grievance, by Imprisonment of their Persons, without any declaration of the cause; contrary to, and in derogation of, the fundamental laws and liberties of this kingdom. I think I am one of the puisnes of our profession, that are members of this house; but howsoever, sure I am, that, in respect of my own inabilities, I am the puisne of the whole house: therefore, according to the usual course of students in our profession, I may, as the puisne, speak first in time, because I can speak least in matter. In pursuance of which course I shall rather put the case, than argue it; and therefore I shall humbly desire, first of all, of this hon. house in general, that the goodness of the cause may receive no prejudice by the weakness of my argument; and next, of my masters here of the same profession in particular, that they, by their learned judgments, will supply the great defects I shall discover by declaring of my unlearned opinion. Before I speak of the question, give me leave, as an entrance thereunto, to speak first of the occasion. Ye all know that justice is the life and the heart's blood of the commonwealth; and if the commonwealth bleed in that master-vein, all the balm in Gilead is but in vain to preserve this our body of policy from ruin and destruction. Justice is both columna & corona reipublicæ; she is both the column and the pillar; the crown and the glory of the commonwealth. This is made good in Scripture by the Judgment of Solomon, the wisest king that ever reigned on earth. For 1st, she is the pillar; for he saith, 'That by justice the throne is established:' 2dly, she is the crown; for he saith 'that by justice a nation shall be exalted.' Our laws, which are the rules of justice, are the ne plus ultra to both the king and the subject; and, as they are Hercules's pillars, so are they the pillars of Hercules to every prince, which he must not pass. Give me leave to resemble justice to Nebuchadnezzar's tree; for she is so great, that she doth shade not only the palace of the king, and the house of nobles, but doth also shelter the cottage of the poorest beggar. Wherefore, if either now the blasts of indignation, or the unresistable violator of laws, necessity, hath so bruised any of the branches of this tree, that either our persons, or goods, or possessions, have not the same

* From sir John Napier's MSS.

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shelter as before; yet, let us not therefore neglect the root of this great tree; but rather, with all our possible means, endeavours, and unfeigned duties, both apply fresh and fertile mould unto it, and also water it even with our own tears; that so these bruised branches may be recovered, and the whole tree again prosper and flourish. For this I have learned from an antient father of the church, that though preces regum sunt armatæ, yet arma subditorum are but only preces & lachrymæ. I know well that cor regis inscrutabile, and that kings, although they are but men before God, yet they are gods before men. And therefore to my gracious and dread sovereign, (whose virtues are true qualities ingenerate, both in his judgment and nature) let my arm be cut off; nay, let my soul not live that day, that I shall dare to lift up my arm to touch that forbidden fruit; those flowers of his princely crown and diadem. But yet in our Eden, in this garden of the commonwealth, as there are the flowers of the sun, which are so glorious that they are to be handled only by royal maj.; so are there also some daisies and wholsome herbs, which every common hand, that lives and labours in this garden, may pick and gather up, and take comfort and repast in them. Amongst all which this oculus dei, this bona libertas of which I am now to speak, is not one only, but the chief.—Thus much, in all humbleness, I presume to speak for the occasion. I will now descend to the question: wherein I hold, (with all dutiful submission to better judgments) that these acts of power, in imprisoning and confining of his majesty's subjects, in such manner, without any declaration of the cause, are against the fundamental laws and liberties of this kingdom. And for these reasons, thus briefly drawn, I conclude. 1. From the great favour which the law doth give unto, and the great care which it hath ever taken of, the liberty and safety of the bodies and persons of the subjects of this kingdom. I shall not need to take the question in pieces, nor handle it in the parts dividedly, but as one entire body; because I hold no other difference between imprisonment and confinement than only this, that the one hath a less and straiter, the other a greater and larger prison. And this word 'Confinement' not being to be found in any one case of our law, if therefore it is become the language of state, it is too difficult for me to define.—To proceed therefore in maintenance of my first reason; I find our law doth so much favour the liberty of the subject's person, that the body of a man was not liable to be arrested or imprisoned for any other cause at the common law, but for force and things done against the peace: for the common law, being the preserver of the peace of the land, so abhorreth force, that those that commit it, she accounts her capital enemies; and therefore did subject their bodies to imprisonment. But by the statute of Marlborough, which was made 52 Hen. 3. because bailiffs would not render accounts to their lords, it was enacted, That their bodies should be attached. And afterwards by the statute 23 Edw. 3. because men made no conscience to pay their debts, it was enacted, That their bodies should likewise be attached: but, before these statutes, no man's body was subject to be taken, or imprisoned, otherwise than as aforesaid; whereby it is evident how much the common law favoured the liberty of the subject, and protected his body from imprisonment.—I will enforce this reason further by a rule in law, and some cases in law upon that rule.—The rule is this, That 'Corporalis injuria non recipit estimationem de futuro:' so that if the question be for a wrong done to the person, the law will not compel him to sustain it, and afterwards expect a remedy; for the law holds no damages a sufficient recompence for a wrong which is corporal. The cases in law to prove this rule shall be these. If one menace me in my goods, or that he will burn the evidences of my lands, which he hath in his custody, unless I make unto him a bond: there I cannot avoid the bond by pleading of this menace. But if he restrains my person, or threatens me with battery, or with burning my house, which is a protection for my person, or with burning an instrument of manumission, which is an evidence of my enfranchisement; upon these menaces, durance, or dares, I can avoid the bond by plea. So if a trespasser drives my beast over another man's ground, and I pursue to rescue it; there I am a trespasser to him on whose ground I am: but if a man assault my person, and I, for my safety, fly over into another man's ground, there I am no trespasser to him; for 'Jure evenit, ut quod quis, ob tutelam sui corporis, fecerit, id jure fecisse existimatur.' Nay, which is more, the common law did favour the liberty not only of freemen, but even of the persons of bondmen and villains, who have no right of property, either in lands or goods, as freemen have: and therefore, by the laws, the lord could not maim his villain; nay, if the lord commanded another to beat his villain, and he did it, the villain should have his action of battery against him for it. If the lord made a lease for years to his villain; if he did plead with his villain; if he tendered his villain to be companion for him in a writ of right; any of those acts, and many others which I omit, were, in law, infranchisements, and made these villains freemen; nay in a suit brought against one, if he, by attorney, will plead that he is a villain, the law is so careful of freedom, that it disallows this plea by attorney; but he must do it propria persona, because it binds his posterity and blood to be villains also. And thus much in the general for my first reason.—2. My next reason is drawn by an argument a minori ad majus: I frame it thus. If the king has no absolute power over our lands or goods, then, à fortiori, not over our persons, to imprison them without declaring the cause: for our persons are much more worthy than either our lands or goods, which is proved by what I have already said; and Christ

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himself makes it clear, where he saith 'Is not the body more worth than raiment?' where the canonists say, that raiment comprehended all outward things, which are not in the same degree with that which is corporal. And our law maketh it also plain; for if a villain purchase frank-land, this maketh it villain-land, according to the nature of his person; but it holds not, e converso, frank-land shall not free the person. Now, that the king hath no absolute power over our lands or goods, I will only at this time put a case or two; for without proof of the premisses, my conclusion would not follow. 1st. for Land: The king cannot by his letters patent, make the son of an alien heir to his father, nor to any other; for he cannot disinherit the right heir, saith the book, nor do prejudice to the lord of his escheat. The king, by his prerogative, shall pay no toll for things bought in fairs and markets; but a custom for paying toll to go over the soil and freeholds of another shall bind the king; for this toucheth the inheritance of the subject, and therefore the king shall not have so much as a way over his lands without payment; and, if not a way, then certainly not the land itself.—Next, for Goods: If a man hath a jewel in gage for 10*l.* &c. and is attainted for treason, the king shall not have this jewel, if he pays not the 10*l.* So, if cattle be distrained and the owner of them afterwards be attainted; yet the king shall not have them until the party be satisfied for that for which they were distrained. And if in these cases, where the owners of goods are such capital offenders, the king cannot have them; much less shall he have their when the owner is innocent and no offender. Nay, I may well say, that almost every leaf and page of all the volumes of our common law prove this right of property: this distinction of meum and tuum, as well between king and subject as one subject and another: and therefore my conclusion follows, That if the prerogative extend neither to land nor to goods; then, à fortiori, not to the person; which is of more worth than either lands or goods, as I said before. And yet I agree that, by the very law of nature, the service of the person of the subject is due to the sovereign; but this must be in such things which are not against the law of nature: but to have the body imprisoned, without any cause declared, and so to become in bondage, I am sure is contrary unto and against the law of nature, and therefore not to be enforced by the sovereign upon his subjects.—3. My next reason is drawn ab inutili & incommodo. For the statute, de frangentibus Prisonam, made 1. Ed. 2. is, quod nullus, qui Prisonam fregerit, subeat judicium vitæ vel membrorum pro fractione prisonæ tantum; nisi causa, pro qua captus et imprisonatus fuerit, tale judicium requirat. Whence this conclusion is clearly gathered, That if a man be committed to prison, without declaring for what cause; and then, if either the malefactor do break the prison, or the jailer suffer him to escape, albeit the prisoner so escaping had committed crimen læsæ majestatis; yet neither the jailer, nor any other that procured his escape, can, by law, suffer any corporal punishment for setting him at large; which, if admitted, might prove, in consequence, a matter of great danger to the common-wealth.—4. My next reason is drawn à regis honore, from that great honour the law doth attribute unto sovereign majesty; and therefore the rule of law is, that solum rex hoc non potest facere, quod non potest injuste facere; and therefore if a subject hath the nomination and the king the presentation to a church, whereunto the king presents without the subject's nomination; here the quare impedit lies against the incumbent tantum, and the king is in law no disturber. And Hussey, chief justice in 1. Hen. 7. fol. 4. saith, That sir John Markham told king Edward. 4 he could not arrest a man either for treason or felony, as a subject might: because that if the king did wrong, the party could not have his action against him. What is the reason that an action of false imprisonment lies against the sheriff, if he doth not return the king's writ, by which he hath taken the body of the subject, but this; because the writ doth breviter enarrare causam captionis; which, if it doth not, it shall abate and is void in law; and being returned, the party, when he appears, may know what to answer, and the court what to judge. And if the king's writ, under his great seal, cannot imprison the subject, unless it contains the cause, shall then the king's warrant otherwise do it without containing the cause; that so his judges upon return thereof, may likewise judge of the same, either to remand, bail, or deliver the party imprisoned?—I should argue the point more closely upon the statute of Magna Charta, c. 29. quod nullus liber homo imprisonetur: the statute of Westminster 1. c. 15. for letting persons to bail; and the judgment lately given in the king's bench: but the latter of these statutes having been by that hon. gent.* (to whom the professors of the law, both in this and all succeeding ages, are, and will be much bound) already expounded unto us; and that also fortified by those many contemporary expositions and judgments by him learnedly cited; and there being many learned lawyers here, whose time I will not waste, who were present, and some of them perhaps of counsel in the late cause adjudged in the king's bench; where you, sir,† to whose person I now speak, do well know I was absent, being then of counsel in a cause in another court; and my practice being in the country, far remote from the treasures of antiquity and records, conducing to the clearing of this point; therefore the narrowness of my understanding commends unto me sober ignorance, rather than presumptuous knowledge; and so commands me no further to trouble your patience.—But I will conclude with that which I find reported by sir John Davis, who was the king's

* Sir Edward Coke. † Edw. Littleton, esq; the chairman, afterwards Lord Keeper.

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serjeant; and so, by the duty of his place, would no doubt maintain, to the uttermost of his power, the king's prerogative royal; and yet it was by him thus said, in those Reports of his upon the case of Tanistry Customs, That the kings of England always have had a monarchy royal, and not a monarchy signoral; where, under the first, the subjects are free men, and have property in their goods, and freehold and inheritance in their lands; but, under the latter, they are as villains and slaves, and have property in nothing. And therefore, when a royal monarch makes a new conquest, yet, if he receives any of the nation's antient inhabitants into his protection; they, and their heirs after them, shall enjoy their lands and liberties according to the laws.' And there he voucheth this precedent and judgment following, given before William the Conqueror himself, viz. That one Sherborn, at the time of the Conquest, being owner of a castle and lands in Norfolk, the conqueror gave the same to one Warren, a Norman; and, Sherborn dying, the heir claiming the same by descent according to the law, it was before the conqueror himself adjudged for the heir, and that the gift thereof by the conqueror was void.—If then it was thus in the conqueror's time, and by his own sentence and judgment, and hath so continued in all the successions of our kings ever since, what doubt need we have, but that his most excellent maj. upon our humble petition prostrated at his feet (which, as was well said, is the best passage to his heart) will vouchsafe unto us our antient liberties and birthrights, with a thorough reformation of this and other our just grievances: and so I humbly crave pardon of this hon. house, that I have made a short lesson so long, by making more rests than notes.'

A Committee appointed to inquire concerning the Judgment against the Refusers of the Loan.] Upon this and other arguments made in this case of the Habeas Corpus, the house referred the whole business to a committee, to examine all the proceedings; concerning which Mr. Selden afterwards made report to the house, "That Mr. Waterhouse, a clerk in the crown-office, being examined before the committee, did confess, That, by direction from sir Rob. Heath, the king's attorney general, he did write the draught of a Judgment in the case before mentioned; which was delivered to Mr. Attorney. And Mr. Keeling, being examined before the committee, did confess, That after Michaelmas Term last, the attorney-general wished him to make a special entry of the Habeas Corpus. To which he answered, He knew no special entry in those cases, but only a remittitur: but said to Mr. Attorney, that if he pleased to draw one, and the court should afterwards assent to it, he would then enter it. The attorney did accordingly make a draught; and the copy thereof Mr. Keeling produced to the committee. And further said, That he carried this draught to the judges; but they would not assent to a special entry; nevertheless the attorney-general divers times sent to him, and told him, There was no remedy, but he must enter it. Yet a week before the parliament met, the attorney-general called for the draught again; which accordingly he gave unto him, and never heard of it more."

Sir *Rob. Philips*, upon this report, gave it as his opinion, 'That this intended Judgment in the Habeas Corpus, was a draught made by some man that desired to strike us all from our liberties; though the judges justly refused it: but if the judges did intend it, we sit not here to answer the trust we are sent for, if we present not this matter to his maj. Let this business be farther searched into, and see how this judgment lies against us, and what the judges do say concerning the same.'

Sir *Edw. Coke*. 'This draught of the Judgment will sting us, quia nulla causa fuit ostenta; being committed by the command of the king, therefore he must not be bailed! What is this but to declare upon record, that any subject, committed by such absolute command, may be detained in prison for ever? what doth this tend to, but the utter subversion of the choice liberty and right belonging to every free-born subject of this kingdom? I fear were it not for this parliament, that followed so close after that form of Judgment was drawn up, there would have been hard putting to have had it entered: but a parliament brings judges, officers, and all men into good order.'

The commons afterwards, upon further debate of this matter, desired, That the Judges of the King's Bench might declare themselves concerning this business; which was ordered accordingly, and will appear in the sequel.

The King's Propositions for Supply.] *March* 25. The Propositions, which had been tendered by Mr. Sec. Cook, from his maj. were received and read, but the debate thereof was referred to the 2d of April. The Propositions were these, viz. 1. To furnish with men and victuals 30 ships, to guard the narrow-seas, and along the coasts. 2. To set out 10 other ships for the relief of the town of Rochelle. 3. To set out 10 other ships for the preservation of the Elbe, the Sound, and Baltic-Sea. 4. To levy arms, cloaths, victuals, and pay, for transporting an army of 1000 horse and 10,000 foot, for foreign service. 5. To pay and supply 6000 more, for the service of Denmark. 6. To supply the forts of the office of ordnance. 7. To supply the Stores of the Navy. 8. To build 20 ships yearly for the increase of the Navy. 9. To repair the forts within the land. 10. To pay the arrears of the office of ordnance. 11. To pay the arrears of the Victualler's Office. 12. To pay the arrear of the Treasurer of the Navy. 13. To pay the arrears due for the Freight of divers Merchant Ships employed in his majesty's service. 14. To provide a Magazine for Victuals for Land and Sea-Service."

Conference concerning enforcing the Laws against Recusants.] March 26. A conference was desired by the lords with the commons,

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about joining with them in a Petition to the king, for putting the laws in execution against Recusants; at which, Mr. Secretary Cook, who was appointed to manage this conference, spoke to this effect:

"We are sent to attend this conference from the knights, citizens and burgesses of the house of commons. And first we acknowledge all due honour both unto the rev. fathers of the church, and to you, noble lords; in that you have shined before us, as worthy lights in the encouragement and maintenance of God's true religion, being the true support of all your dignities and honours. And this forwardness of yours is the more remarkable, when that viperous generation, as your lordships justly stiled them, do, at ease, with tooth and nail, essay to rent the bowels of their mother. For, give me leave to tell you what I know, that these now both vaunt at home, and write to their friends abroad, that they are now in peace; that they hope all will be well, and doubt not to prevail, and win ground upon us. And a little to awake the care and zeal of our learned and grave fathers, it is fit that they take notice of that hierarchy which is already established in competition with their lordships; for they have a bishop consecrated by the pope; this bishop hath his subalternate officers of all kinds, as vicars-general, archdeacons, rural-deans, apparitors, and such like. Neither are these nominal or titular officers alone; but they all execute their jurisdictions, make their ordinary visitations through the kingdom, keep courts, and determine ecclesiastical causes; and, which is an argument of more consequence, they keep ordinary intelligence by their agents at Rome, and hold correspondence with the nuncios and cardinals both at Brussels and in France. Neither are the seculars alone grown to this height, but the regulars are more active and dangerous, and have taken deep root; they have already planted their societies and colleges of both sexes; they have settled revenues, houses, libraries, and vestments, with all necessary provisions to travel or stay at home; nay, even at this time, they intend to hold a concurrent assembly with this parliament. But now, since his sacred maj. hath extended his royal arm, and since the lords of his council have by their authority caused these nests of wasps to be digged out of the earth, and their convocations to be scattered; and since your lordships join in courage and resolution, at least to reduce this people to their lawful restraint, that they may do no more hurt; we conceive great hope and comfort, that the Almighty God will, from henceforth, prosper our endeavours both at home and abroad. But now, my lords, to come to the chief errand of this our meeting; which is to make known to you the approbation of our house of that Petition to his maj. wherein you were pleased to desire our concurrence. The house hath taken it into serious consideration, and from the beginning to the end approves of every word, and much commends your happy pen; only we are required to present unto you a few Additions, whereby, we conceive, the Petition may be made more agreeable to the statutes which are desired to be put in execution; and to a former Petition granted by his maj. recorded in both houses, confirmed under the great seal of England, and published in all our ordinary courts of justice. But these things we propound not as our Resolutions, or as matters to raise debate or dispute, but commend them only as our advice and desire; being ready, notwithstanding, to join with your lordships in the Petition, as now it is; if your lordships shall not find this reason to be of weight."

The Petition of both Houses concerning enforcing the Laws against Recusants, with the King's Answers.] These Additions, which were but few, were approved of by the lords, and inserted in the Petition, on the 29th of March. Two days after it was presented to the king by both houses; and, at the delivery thereof, the Lord-Keeper made the following speech:

"Most gracious sovereign, The lords spiritual and temporal, and commons, in this present parliament assembled, out of the due care of the glory of Almighty God, and of the honour and safety of your maj. do, with all humbleness, and with one unanimous consent, present to your royal hands, the most loyal desires of all their hearts; which is set down in a most dutiful Petition, which is; to quicken the laws against the perturbers of the peace of the state: we cannot, nor do not forget your maj.'s most gracious acts and answers on the like Petition; they are visible to the world, to your maj.'s honour and comfort: we bend our knees and hearts, blessing God and your maj. therefore; yet let it not seem needless, that we repair again to your maj.: the husbandman knows, that weeds are not destroyed at one weeding: these are growing evils, they are weeds of a spreading nature: and, we, that come from all parts, do think it our duty to tell your maj. that God's vineyard is not yet cleansed. And God himself requires, that we pray to him often, even for what he means and promiseth to bestow on us. But my message comes from the pen of both houses; and, therefore, I humbly beseech your maj. to lend a gracious ear to hear me read the Petition."—After the reading thereof, his majesty made this short speech.

"My lords and gentlemen, I do very well approve the method of your proceedings in this parliament, a Jove Principium; hoping that the rest of your consultations will succeed the happier. And I like the preamble of my lord-keeper; otherwise I should have a little suspected, that you had thought me not so careful of religion as I have been, and ever shall be, wherein I am as forward as you can desire. And for the Petition, I answer first in general; That I like it well, and will use these as well as other means, for the maintenance and propagation of that religion, wherein I have lived, and do resolve to die. But for the particulars, because they consisted of many points, you shall receive a more full Answer

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hereafter. And now will I only add this, That as we pray to God to help us, so we must help ourselves: for we can have no assurance of his assistance, if we do lie in bed, and only pray, without using other means. And, therefore, I must remember you, that if we do not make provision speedily, we shall not be able to put one ship to sea this year. Verbum sapienti sat est."

Afterwards the lord-keeper signified unto the house, That his maj. had now given his Answer unto the Petition exhibited by both houses against Recusants: and had commanded him to read the same Answer in this house; and Mr. Secretary to read it in the commons. Whereupon the clerk read the first Article of the said Petition; and the lord-keeper read his maj.'s Answer unto the same, and to each Article thereof. The which Petition, with the Answers, follow, in hæc verba.

"Most gracious sovereign; We your maj.'s most loyal and obedient subjects, the lords spiritual and temporal, and commons, in parliament assembled, having to our singular comfort, obtained your maj.'s pious and gracious assent for a Public Fast, to appease the wrath of Almighty God kindled against us; and to prevent those grievous judgments which do apparently press upon us, do in all humility, present unto your sacred maj. all possible thanks for the same. And, because the public and visible sins of the kingdom are the undoubted causes of those visible evils that are fallen upon us; amongst which sins, (as is apparent by the word of God) idolatry and superstition are the most heinous and crying sins; to the end that we may constantly hope for the blessing of God, to descend upon this our public humiliation, by abandoning those sins which do make a wall of separation betwixt God and us:"

Article I. "We most humbly and ardently beg, at the hands of your most sacred maj. That your maj. will be pleased to give continual life and motion to all those laws, that stand in force against Jesuits, Seminary Priests, and all that have taken orders by authority of the see of Rome, by exacting a more due and serious execution of the same: amongst which number, those, that have highly abused your majesty's clemency, by returning into the kingdom after their banishment, contrary to your highness's express proclamation, we humbly desire, may be left to the severity of your laws, without admitting of any mediation or intercession for them. And that such of your maj.'s unsound and ill-affected subjects, as do receive, harbour, or conceal any of that viperous generation, may, without delay, suffer such penalties and punishments, as the laws justly impose upon them."

His Majesty's Answer.]—"To the first point, his maj. answereth, That he will, according to your desire, give both life and motion to the laws that stand in force against Jesuits, Seminary Priests, and all that have taken orders by authority of the see of Rome; and, to that end, his maj. will give strict order to all his ministers, for the discovering and apprehending of them, and so leave them, being apprehended, to the trial of the law. And, in case, after trial, there shall be cause to respite execution of any of them, yet they shall be committed, according to the example of the best times, to the castle of Wisbech, and there be safely kept from exercising their functions, or spreading their superstitious and dangerous doctrine; and the receivers and abettors shall be left to the law."

II. "That your maj. would be pleased to command a surer and straiter watch, to be kept in and over your maj.'s ports and havens; and to commit the care and charge of searching of ships, for the discovery and apprehension, as well of Jesuits and Seminary Priests brought in, as of children and young students, sent over beyond the seas, to suck in the poison of rebellion and superstition, unto men of approved fidelity and religion: and such as shall be convicted to have connived or combined at the bringing in the one, or conveying of the other out, that the laws may pass upon them with speedy execution."

Answer. "To the 2nd Article, his maj. granteth all that is desired therein; and, to this end, will give order to the lord-treasurer, lord admiral, and lord warden of the cinque ports, that, in their several places, they be careful to see this article fully executed; giving strict charge to all such as have place and authority under them, to use all diligence therein. And his maj. requireth them, and all other his officers and ministers, to have a vigilant eye upon such as dwell in dangerous places of advantage or opportunity, for receiving or transporting of any such as are here mentioned. And his maj. will take it for good service, if any will give knowledge of any such, as have connived or combined, or shall connive or combine, as is mentioned in this Article, that justice may be strictly done upon them."

III. "That considering those dreadful dangers, never to be forgotten, which did involve your maj.'s sacred person, and the whole representative body of your maj.'s kingdom, plotted and framed by the free and common access of Popish Recusants to the city of London; and to your maj.'s court; your maj. would be graciously pleased to give speedy command for the present putting in practice those laws, that prohibit all Popish Recusants to come to the court, or within ten miles of London, as, also, those laws that confine them to the distance of 5 miles from their dwelling-houses; and that such, by past licences not warranted by law, as have been granted unto them, for their repair to London, may be discharged and annulled."

Answer. "To the 3rd; his maj. will take order to restrain the resort of Recusants to the court; and, also, for the other points in this Article, his maj. is well pleased, that the laws be duly executed; and that all unlawful licences be annulled and discharged."

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IV. "That whereas it is more than probably conceived, that infinite sums of money have, within these 2 or 3 years last past, been extracted out of the Recusants, within the kingdom, by colour of composition; and a small proportion of the same returned unto your maj.'s coffers, not only to the sudden enriching of private persons, but to the emboldening of Romish Recusants, to entertain massing priests into their private houses; and to exercise all their mimique rites of their gross superstition without fear or controul, amounting, as, by their daily practice and ostentation, we may conceive, to the nature of a concealed toleration; your maj. would be graciously pleased to take this particular, more nearly, into your princely wisdom and consideration; and to dissolve this mystery of iniquity, patched up of colourable leases, contracts, and preconveyances; being but masks, on the one part, of fraud to deceive your maj.; and stales, on the other part, for private men to accomplish their corrupt ends."

Answer. "To the 4th Article; his maj. is most willing to punish, for the time past, and prevent, for the future, any of the deceits and abuses mentioned in this article; and will account it a good service in any, that will inform himself, his privy-council, officers of his revenues, judges, or learned council, of any thing that may reveal this mystery of iniquity. And his maj. doth strictly command every of them, to whom such information shall be brought, that they suffer not the same to die, but do their uttermost endeavour to effect a clear discovery, and bring the offenders to punishment. And to the intent no concealed toleration may be effected, his maj. leaves the laws to their course."

V. "That as the persons of ambassadors from foreign princes, and their houses, be free for the exercises of their own religion, so their houses may not be made free chapels and sanctuaries unto your maj.'s subjects, popishly affected, to hear mass, and to participate in all other rites and ceremonies of that superstition, to the great offence of Almighty God, and scandal of your maj.'s people, loyally and religiously affected: That either the concourse of Recusants to such places may be restrained; or, at least, such a vigilant watch set upon them, at their return from those places, as they may be apprehended, and speedily proceeded against, ut qui palam in luce peccaverunt, in luce puniantur."

Answer. "To the 5th; his maj. is well pleased to prohibit and restrain their coming and resort to the houses of ambassadors; and will command a vigilant watch to be set, for their taking and punishing, as is desired."

VI. "That no place of authority and command, within any of the counties of this your maj.'s kingdom, or any ships of your maj.'s, or, which shall be employed in your maj.'s service, be committed to Popish Recusants, or to Non-Communicants, that have been so by the space of a year past; or to any such persons, as, according to direction of former acts of state, are justly to be suspected: as the place and authority of lords-lieutenants, deputy-lieutenants, justices of the peace, or captains, or other officers or ministers mentioned in the statute, made in the 3rd year of the reign of your father of blessed memory: and that such, as by connivance, have crept into such places, may, by your maj.'s command, be discharged of the same."

Answer. "To the 6th; his maj. is persuaded, that this article is already observed with good care; nevertheless, for the avoiding, as much as may be, all errors and escapes in that kind, his maj. will give charge to the lord-keeper, that, at the next term, he call unto him all the judges, and take information from them, of the state of their several circuits; if any such, as are mentioned in this Article, be in the commission of the peace, that due reformation may be made thereof; and will likewise give order to the lord-admiral, and such others, to whom it shall appertain, to make diligent enquiry; and certify to his maj. if any such there be in place of authority and command, in his ships or service."

VII. "That all your maj.'s judges, justices, and ministers of justice, unto whose care and trust, execution, which is the life of your maj.'s laws, is committed, may, by your maj.'s proclamation, not only be commanded to put into speedy execution those laws which stand in force against Jesuits, Seminary Priests, and Popish Recusants; but that your maj. would be further pleased to command the said judges and justices of assize, to give a true and strict account of their proceedings at their returns out of their circuits unto the lord keeper; by him to be presented unto your majesty.

Answer. "To the 7th, his majesty doth fully grant it."

VIII. "And for a fair and clear eradication of all popery for the future; and for the breeding and nursing up of a holy generation, and a peculiar people, sanctified unto the true worship of Almighty God; that, until a provisional law can be made, for the training and educating of the children of Popish Recusants, in the grounds and principles of our holy religion, which we conceive will be of more power and force, to unite your people unto you in fastness of love, religion, and loyal obedience, than all pecuniary mulcts and penalties that can possibly be devised: your maj. would be pleased to take into your own princely care and consideration, these our humble Petitions, proceeding from hearts and affections, loyally and religiously devoted to God and your majesty's service, and to the safety of your maj.'s sacred person; which we most zealously present to your princely wisdom, craving your maj.'s chearful and gracious approbation thereof."

Answer. To the 8th, his maj. doth well approve it, as a matter of necessary consideration; and the parliament now sitting, he recommendeth to both houses the preparation of

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a fitting law to that effect. And his maj. doth further declare, that the mildness that hath been used towards those of the Popish religion hath been upon hope, that foreign princes thereby might be induced to use moderation towards their subjects of the reformed religion; but not finding that good effect which was expected, his maj. resolveth, unless he shall very speedily see better fruits, to add a further degree of severity than that which, in your Petition, is desired.

DEBATE ON THE SUPPLY.] April 2. The king's Propositions concerning the Supply were taken into consideration; and a debate ensued upon them in the house of commons. The members who spoke, and the arguments they made use of, were these:*

Mr. *Alford* said, 'That to answer punctually to every article was but to discover the king's wants, which is neither safe nor fit as the world now goes; nor is it good for him to ask more than we can give, nor for us to offer disproportionably; withal it might be drawn to a precedent for the subjects to make and maintain wars.'

Sir *Robert Mansell.* 'It had been much better for us to have taken care for these provisions 3 years ago. His maj.'s desire is not to have us overburthened, yet 7 of these Propositions are not to be neglected, viz. the safe guarding of the coasts, the defence of the Elbe, the defence of Rochelle, the increasing of the navy, the repairing of the forts, the discharge of the arrears of merchant ships, and the defence of the king of Denmark. The other seven may be deferred till our next meeting at Michaelmas.'

Sir *F. Seymour.* 'It is said, that the greatest grievance is want of Supply; but I hold it a greater grievance that his maj. is brought into these necessities; especially considering the supplies that of late have been given him; 2 Subsidies granted by parliament, over and above privy-seals and the late Loan, whereby five Subsidies were forcibly and unadvisedly taken; and we have yet purchased to ourselves nothing by all these, but our own dishonour; we have drawn and provoked two powerful enemies upon us. It is not then what the subjects do give, unless his maj. employ men of integrity and experience to disburse, otherwise all that we give will be cast into a bottomless bag.'

Sir *Nath. Rich.* 'Some propositions we shall not meddle with; as, a sovereign army to be transported: we are not fit for that yet, but we will not reject it; for great princes, who give out rumours of raising great armies, do put their enemies to great fears. Then the defence of our coasts: nothing is more necessary; but the bill of poundage is for that particular supply. And how far it may prejudice us for a future precedent, to give other supply, let us be advised.'

Sir *Peter Hayman.* 'Vast propositions are delivered to us in shew, which I desire the gentleman that first brought them in may give an estimate of.'

Mr. *Pym.* 'In no case is it fit to examine the Propositions, especially of the arrearages of the merchant ships, and for preparation for the foreign wars.'

Mr. Secretary *Cooke*, observing a distinction upon the Propositions, as if some of them were to be omitted, said, 'I know you will do it upon deliberation: some there are not possible to be omitted; as, the guarding of the seas; defence of the Elbe and Rochell; and these draw on all the rest. Ships must have men and munition, and we cannot divide any of these. This house is tender of the country. The king will not lay a burden that cannot be borne. We may supply his majesty without this. Give we now what we please, the king may delay making use of it, till the people are able to pay; and by this we shall not only make his maj. subsist, but advance his reputation in the world, by the unity of his people, more than by any treasure.'

Sir *D. Diggs.* 'To try and examine faithfully the Propositions. I refer it to the judgment of the house, whether it be fit to handle the business in order, or to give in gross; considering that the bill of Tonnage and Poundage is now brought into the house; which, I think, is to be given for the safe-guarding of the seas.'

Mr. *Spencer.* 'In no case enter into particulars. There hath formerly 5 subsidies been given for the repairing of the forts, and not one penny has been bestowed on them, but the money wasted in dishonour.'

Sir *John Elliot.* 'Indeed there may be some necessity for a war offensive; but, looking on our late disasters, I tremble to think of sending more abroad. Let us consider those two great undertakings at Cadiz and Rhee; at Cadiz, that was so gloriously pretended, where our men arrived and found a conquest ready, namely, the Spanish ships, a satisfaction sufficient and fit for us; and this confessed by some then employed; and, never but granted by all, that it was feasible and easy: why came this to nothing? After that opportunity lost, when the whole army was landed, with destruction of some of our men; why was nothing done? If nothing was intended, why were they landed? And, why were they ship'd again? For Rhee's voyage, was not the whole action carried against the judgment of the best commanders? Was not the army landed? Not to mention the leaving of the wines; nor touch the wonder that Cæsar never knew, the enriching of the enemy by courtesies. Consider what a case we now are in, if, on the like occasion, or with the like instruments, we shall again adventure another expedition. It was ever the wisdom of our ancestors here, to leave foreign wars wholely to the State, and not to meddle with them.'

* The speeches in this debate are taken from Rushworth, and the 'Ephemeris Parliamentaria,' and corrected by the before-mentioned MSS.

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Sir *Edw. Coke.* 'When poor England stood alone, and had not the access of another kingdom, and yet had more and as potent enemies as now it hath, yet the king of England prevailed. In the parliament-roll, 42. Edw. 3. the king and parliament gave God thanks for his victory against the kings of Scotland and France; he had them both in Windsor Castle as prisoners. What was the reason of that conquest? 4 reasons were given. 1. The king was assisted by good counsel. 2. There were valiant men. 3. They were timely supplied. 4. Good employment. In 3. R. 2. The king was invironed with Flemings, Scots, and French, and the king of England prevailed. In 13. Rd. 2. the king was invironed with Spaniards, Scots, and French, and the king of England prevailed. In 17. Rd. 2. Wars were in Ireland and Scotland, and yet the king of England prevailed, and thanks were given to God here; and I hope I shall live to give God thanks for our king's victories. In 7 Henry 4 one or two great men about the king so mewed him up, that he took no other advice but from them; whereupon the chancellor took this text and theme in his speech at the parliament, 'Multorum consilia requiruntur in magnis, in bello qui maxime timent sunt in maximis periculis.' Let us give, and not be afraid of our enemies; let us supply bountifully, chearfully, and speedily, but enter not into particulars. Solomon's rule is, 'Qui repetit separat,' nay separat fœderatos. We are united in duty, &c. to the king: the king hath fourscore thousand pounds a year for the navy, and to scour the narrow seas; it hath been taken, and we are now to give it, and shall we now give more to guard the seas? Besides, when that is taken of our gift, it may be diverted another way. It shall never be said we deny all Supply; I think myself bound, where there is commune periculum, there must be commune auxilium.'

Sir *Thos. Wentworth.* 'I cannot forget that duty which I owe to my country, and unless we be secured in our liberties, we cannot give. I speak not this to make diversions, but to the end, that giving, I may give chearfully. As for the Propositions to be considered of, I incline to decline them, and to look upon the state of our country, whether it be fit to give or no. Are we come to an end for our country's liberties? Have we trenched on the rates of the deputy-lieutenants? Are we secured for time future?'

Sir *Henry Martin.* 'We all desire remedies for our grievances, and, without them, we shall neither be willing nor able to give; for my part, I heartily desire remedy; but which is the best and wisest way, that is the question: as we have made some progress in our Grievances, so let us now go on to Supply. There is a proverb, 'Non bis ad idem.' Dash not the common wealth twice against one rock. We have grievances; we must be eased of them; who shall ease us; no nation hath a people more loving to the king than we; only let the king think it and believe it; there is a distance betwixt him and us; which, before we can have his heart, we must remove. Our disease is not so great, but that it may be cured: it is the King's Evil, which must be cured with gold. Let us imitate Jacob, who wrestled with the angel, and would not let him go: I would we could wrestle with the king in duty and love, and not let him go, in this parliament, till he comply with us. We must take heed of too much repetition, and over-beating of grievances; it is dangerous, and may make a further separation: he that talks too much of grievancies, makes the party that is the cause of it make an apology, and so justify it; and that is dangerous. Let us do as poets in a tragedy, that sometimes have comical passages; and so a generous mind will sink presently. Sure a due presentation of Grievances to such a king, with moderation, will take place with him. In all deliberations go the safest way: the old way, I have heard, is first to remove Grievances: we must not tie and bind ourselves by all that was done before. I have gone over the Thames in former times, on foot, when it was all an ice; but that is no argument to persuade me to do the like now because I did so once.'

Mr. *Kirton.* 'He desires to know the rock, to the end we may avoid it, and not to go back, but forward in our consultations.'

Sir *Rob. Philips.* 'His good hopes are in his majesty's royal care and wisdom. That the free and great council is the best; but time and hope of change is coming towards us; Rome and Spain trench deeply into our counsels. That heretofore there hath been a fair progress on both parts, according to the saying of the late king, 'If the parliament did, or should give more than the country could bear, they gave him a purse with a knife in it.'

Serjeant *Hoskins.* 'That knowing our own rights, we shall be better enabled to give. Two legs go best together, our just Grievancies and our Supply, which I desire may not be separated; for, by presenting them together, they shall be both taken or both refused.'

Debate on Confinement.] The commons still waving the debate of the Propositions for Supply, proceeded with the Grievances of Confinement; on which point,

Mr. *Selden* said, 'Confinement is different from imprisonment, and it is against the law that any should be confined, either to his house or elsewhere. I know of nothing that is call'd a punishment, but there is some ground of it, or mention thereof, either in acts of parliament, law-books, or records; but, for this of Confinement, I find none: indeed Jews have been confined, in former times, to certain places; as here in London, to the Old Jewry. The civilians have perpetual prisons, and coersive prisons, upon judgments in court. Carcer domesticus is a Confinement for madmen.'

Sir *Tho. Hobby.* 'I was employed in the year 1588 in that service: It was then thought fit

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that Recusants should be confined in strong places; but it was not held legal; and when the Spanish navy was dispersed they were set at liberty, and the parliament petitioned the queen for a law to warrant the confinement."

Debate on Designation to Foreign Employment.] April 3. The commons proceeded to the debate concerning Designation to Foreign Employment, in which

Sir *Peter Hayman* opened his own case thus: 'I have not forgot my employment into the Palatinate. I was call'd before the lords of the council, for what I knew not; but I heard it was for not lending on a privy-seal. I told them, if they will take my estate, let them; I would give it up, lend I would not. When I was before the lords of the council, they laid to my charge my unwillingness to serve the king. I said, I had my life and my estate to serve my country and my religion. They told me, that if I did not pay, I should be put upon an employment of service. I was willing. After ten weeks waiting they told me I was to go with a lord into the Palatinate; and that I should have employment there, and means befitting. I told them I was a subject, and desired means. Some put on very eagerly, some dealt nobly. They said I must go on my own purse. I told them, Nemo militat suis expensis. Some told me I must go. I began to think, what, must I? None were ever sent out in that way. Lawyers told me I could not be so sent. Having this assurance I demanded means, and was resolved not to stir but upon those terms; and, in silence and duty, I denied. Upon this, having given me a command to go, after 12 days they told me they would not send me as a soldier, but to attend on an ambassador. I knew that stone would hit me, therefore I settled my troubled estate, and addressed myself to that service.'

Mr. *Hackwell.* 'This is a great point, that much concerns the common-wealth, if the king cannot command a subject to his necessary service; and on the other side, it will be little less than an honourable banishment to the subject, if he may. Our books say, The king cannot compel any to go out of the realm; and, upon an action brought against him, he cannot plead in bar, that he is by command from the king in foreign service, but the king may give him his protection. 5 Edw. 3. N. 9. in the Parliament-Roll, there was an ordinance, whereby the king had power to send some to Ireland; it was ordained by the sages of the law, that soldiers, where need shall be, though they refuse to go, and excuse themselves; if their excuses be not reasonable, the king may do to them according to right and reason. If the king, by law, could do this of himself, and send them to Ireland, (his own dominion) he would never have taken power from his parliament; and if men do not according to that law, still there is no imprisonment prescribed.'

Sir *Edw. Coke.* 'No restraint, be it ever so little, but is imprisonment; and foreign employment is a kind of honourable banishment. I myself was designed to go to Ireland. I was willing to go; and hoped, if I had gone, to have found some Mompessons there: there is difference when the party is the king's servant, and when not. In 46 Edw. 3. was the time when the law was in its height. Sir Rd. Pembridge was a baron and the king's servant, and warden of the cinque-ports: he was commanded to go to Ireland, and to serve as deputy there; which he refused; he was not committed, but the king was highly offended; and having offices and fees and lands, pro servitii sui impenso, the king seized his lands and offices. I went to the parliament roll, 47 Edw. 3. where I found another precedent for foreign employment; They that have offices pro consilii, or servitii impenso, if they refuse, those lands and offices so given are seized; but no commitment.'

Sir *Tho. Wentworth.* 'If any one owes a man displeasure and shall procure him to be put into foreign employment, it will be a matter of high concernment to the subject: we know the honour and justice of the king, but we know not what his ministers or the mediation of ambassadors may do, to work their own malice and resentment upon any man.'

Sir *John Elliot.* 'If you grant this liberty, what are you the better for other privileges? What difference is there between imprisonment at home, and constrained employment abroad? It is no less than a temporal banishment, neither is it for his maj.'s service to constrain his subjects to employment abroad: honour and reward invite them rather to seek it; but, to be compelled, stands not with our liberty.'—These debates so engrossed the attention of the commons, that the consideration of the Supply was deferred for two days.

A Message from the King in Vindication of the D. of Bucks.] April 3. Mr. Secretary Cooke brought the house this Message from the king:

"His majesty having understood that some rumours were spread abroad of a sharp Message, yesterday delivered by me, and of some malicious words, that the duke should speak yesterday at the council-board; he commanded me to tell you of the malice of those false reports; for that nothing fell from the duke or that board, but what was for the good of this assembly; he would have you to observe the malice of those spirits that thus put in these jealousies. Had the duke so spoken, he should have contradicted himself; for all of us of the council can tell that he was the first mover and persuader of this assembly of parliament to the king. Esteem of the king according to his actions, and not these tales: His majesty takes notice of our purpose that on Friday we will resolve upon Supply, which his majesty graciously accepts of; and that our free gift, without any condition, should testify to the world, that we will be as far from incroaching upon his prerogative, as he will be to incroach upon our liberties: and this

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shall well appear when we present our Grievances to him; and then we shall know that he hath no intention to violate our liberties; only let us not present them with any asperity of words. He counts it his greatest glory to be a king of freemen, not of villains. He thought to have delivered this Message himself, but that he feared it would take us too much time."

Then Mr. Secretary said he would add a word or two of his own: 'Yesterday after dinner we attended his maj. and he asked us what we had done. We said, we had entered into the consideration of Supply, and that the final resolution was deferred till Friday, and that this was done for just reasons, to join the business of his maj. and our country together; that this would further his maj. and give content to the country; and that this union here might be spread abroad in the world. His maj. answered, 'For God's sake, why should any hinder them of their liberties? If they did, I should think they dealt not faithfully with me.' You may thus see a true character of his maj.'s disposition; let us proceed with courage, and rest assured his maj. will give great ear unto us, and let us all join to make a perfect union to win the king's heart: we shall find a gracious Answer from the king, and a hearty co-operation from those that you think to be averse to us.'—Upon the delivery of this Message some stood up, and professed they never heard of any such sharp messages, or words the day before: or that any was so bold as to interpose himself. They acknowledged his maj. had put a threefold obligation on them: 1. In giving them satisfaction. 2. In giving them assurance (which is a great law) that he will protect and relieve them. 3. In giving them advice, as may befit the gravity of that assembly and his own honour. So they concluded to carry themselves as their progenitors before had done; who never were marked for stepping too far on the king's prerogative; and they returned their humble thanks to his majesty.

Resolutions of the Commons relating to the Liberty of the Subject.] This day, Mr. Littleton, one of the committee for taking into consideration the Liberty of the Subject in person and estate, which was set on foot by reason of the late commitments, made a report that they proceeded, in that business, with such gravity and leisure, as would add much to their honour in the following Resolutions. "I. Resolved, That no Freeman ought to be committed, or detained in Prison, or otherways restrained, by command of the king or the privy-council, or any other; unless some cause of the commitment, detainer, or restraint be expressed, for which, by law, he ought to be committed, detained, or restrained. II. That the Writ of Habeas Corpus cannot be denied, but ought to be granted to every man, that is committed or detained in prison, or otherwise restrained, by the command of the king, the privy-council, or any other; he praying the same. III. That if a freeman be committed or detained in prison, or otherwise restrained, by command of the king, privy-council, or any other, no cause of such commitment, &c. being expressed; and the same be returned upon an Habeas Corpus, granted for the said party, that then he ought to delivered or bailed. IV. That the ancient and undoubted Right of every Freeman, is, That he hath a full and absolute property in his goods and estate; and that no tax, tallage, loan, benevolence, or other like charge, ought to be commanded, or levied by the king or his ministers, without common assent of parliament."—All these Resolutions of the committee were unanimously agreed to by the whole house.

Report of the Conference with the Lords on the Liberty of the Subject.] Rushworth has given us the substance of the speeches made by a committee, appointed to manage a Conference with the lords to induce them to join in a Petition to the King, for ascertaining the Rights and Liberties of the Subject; which was afterwards called the 'Petition of Right.' The same is in the Lords Journals; entered there as a Report made by the lord-president and three other lords, to that house, of what passed at this Conference, which his lordship introduced in this manner:

"My Lords, The conference which was lately held with the lower-house, was about the Liberty of the Subject; and to set this forth they employed four speakers. The 1st was sir Dudley Diggs, a man of volubility and elegance of speech; and his part was but the introduction. The 2nd was Mr. Littleton, a grave and learned lawyer; whose part was to represent the Resolutions of the house, and the Grounds whereupon they went. The 3rd was Mr. Selden, a great antiquary and a preguant man; his part was to shew the Law and Precedents in the points. The 4th was sir Edw. Coke, that famous reporter of the law, whose part was to shew the Reasons for all that the others had said; and that it all was but in affirmance of the common-law."—Now, to report the first man, sir Dudley; how his words will come off from my tongue, I cannot tell; I shall acquaint you with the matter of them as well as I can. The knight hoped to begin the conference, auspiciously, with an observation out of Holy Writ. In the days of good king Josiah, when the land was purged of idolatry, and the great men went about to repair the house of God; whilst money was sought for, there was found a Book of the Law, which had been neglected. He was confident, that we would, as chearfully, join with them, in acknowledging God's Blessings in our good king Josiah, as they did. He thankfully remembered your lordship's truly honourable invitation of them to the late Petition, for cleansing the land from Popish abominations: and, as then, so now, while they were seeking for money, they found, he could not say a book of our law, but main and fundamental points of the law neglected and broken; and this occasioned their desire of a conference. Wherein, he was commanded to shew, That the laws of

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England are grounded on reason, more ancient than books, consisting much in unwritten customs, yet so full of justice and true equity, that your most honourable predecessors and ancestors often defended them with a nolumus mutari; and so ancient, that, from the Saxon days, notwithstanding the injuries and ruins of time, they have continued in most part the same; as may appear in old remaining monuments of the laws of Ethelbert, the first Christian king of Kent; Ina the king of the West-Saxons; Offa of the Mercians, and of Alfred the great monarch, who united the Saxon Heptarchy, whose laws are, as he says to that end, 'Utpote qui sub uno rege, sub una lege regerentur.' And, though the Book of Litchfield, speaking of the troublesome times of the Danes, says then, 'Jus sopitum erat in regno, leges & consuetudines sopitæ sunt; and, prava voluntas, vis & violentia magis regnabant quam judicium vel justitia.' Yet, by the blessing of God, the good king Edward, commonly called the Confessor, did awaken those laws; and, as the old words are, 'excitatas reparavit, reparatas decoravit, decoratas confirmavit;' which confirmavit shews, that good king Edward received those laws, and did not give them; which William the Conqueror, and all his successors, since that time, have sworn unto. As we have now, so even in those Saxon times they had their court-barons, and court-leets, and sheriffs-courts; by which, as Tacitus says of the Germans, their ancestors, 'Jura reddebant per pagos & vicos; and I do believe, as we have now, they had their parliaments; where new laws were made, cum consensu prælatorum, magnatum, & totius communitatis; or as another writes, 'cum consilio prælatorum, nobilium & sapientium laicorum.' I will add nothing out of Glanville, that wrote in the time of Hen. 2. or Bracton in the days of Hen. 3. only give me leave to cite that of Fortescue, the learned chancellor to Hen. 6. who writing of this kingdom, says, 'Regnum istud moribus nationum & regum temporibus, eisdem, quibus nunc regitur, legibus & consuetudinibus, regebatur.' But, my good lords, as the poet said of Fame, I may say of our common law; 'Ingrediturque solo, et caput inter nubila condit.' Wherefore, the cloudy part being mine, I will make haste to open way for your lordships, to hear more certain arguments. Be pleased then to know, that it is an undoubted and fundamental point of this so antient common law of England, That the subject hath a true property in his goods and possessions, which doth preserve as sacred, that meum & tuum, that is the nurse of industry and mother of courage; and without which, there can be no justice, of which, meum & tuum is the proper object. But the undoubted birthright of free subjects hath, lately, not a little been invaded and prejudiced by pressures; the more grievous, because they have been pursued by imprisonment, contrary to the franchises of this land: and when, according to the laws and statutes of this realm, redress hath been sought for in a legal way; by demanding Habeas Corpus from the judges, and a discharge by trial according to the law of the land, success hath failed: this now enforceth the commons, to examine, by acts of parliament, precedents and reasons, the truth of the English Subject's Liberty; which I shall leave to a learned gentleman to argue."

The rest of this Report, being very long in the Lords Journals, because of the many law-cases, records, &c. cited, we shall give it as we find it, somewhat abridged in Rushworth.

Mr. *Littleton.* "Your lordships have heard that the commons have taken into consideration the matter of personal Liberty; and, after long debate, they have, upon a full search, and clear understanding of all things pertinent to the question, unanimously declared, That no freeman ought to be committed, or restrained in prison by command of the king or privy-council, or any other, unless some cause of the commitment, detainer, or restraint be expressed, for which by law he ought to be committed, detained, or restrained; and they have sent me, with others of their members, to represent unto your lordships the true grounds of their resolution; and have charged me particularly, leaving the reasons of law and precedents for others, to give your lordships satisfaction, that this Liberty is established and confirmed by the whole state, the king, the lords spiritual and temporal, and commons, by several acts of parliament; the authority whereof is so great, that it can receive no answer, save by interpretation or repeal by future statutes. And these I shall mind you of, are so direct in the point, that they can bear no other exposition at all; and sure I am, they are still in force: the first of them is the Grand Charter of the Liberties of England, first granted Anno 16 John, and renewed in 9th Hen. 3. and since confirmed in parliament above 30 times; the words there are, chap. 29. 'Nullus liber homo capiatur, vel imprisonetur, aut disseisietur de libero tenemento suo, vel liberis consuetudinibus suis; aut utlagatur, aut exuletur, aut aliquo modo destruatur; nec super eum ibimus, nec eum mittemus, nisi per legale judicium parium suorum, vel per legem terræ."—He then proceeded to open, and argued learnedly upon, the several particulars in the last recited clause of Magna Charta; and further shewed, "That no invasion was made upon this personal liberty, till the time of Edw. 3. which was soon resented by the subject; for, in 5. Edw. 3. ch. 9. it is enacted, That no man from henceforth shall be attached on any occasion, nor fore-judged of life or limb, nor his lands, tenements, goods, nor chattles, seized into the king's hands, against the form of the Great Charter, and the law of the land. And in 25 Edw. 3. ch. 4. it is more full, and expounds the words of the Grand Charter, which is thus; Whereas it is contained in the Grand Charter of the Franchises of England, that none shall be imprisoned, nor put out of his freehold, nor free-custom, unless it

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be by the law of the land; it is awarded, assented, and established, That from henceforth none shall be taken, by petition or suggestion made to our lord the king, or to his council, unless it be by indictment or presentment of his good and lawful people of the same neighbourhood; which such deed shall be done in due manner, or by process made by writ original at the common law; nor that none be outed of his franchises, office, nor freehold, unless he be duly brought to answer, and be forejudged of the same, by the course of the law; and that if any thing be done against the same, it shall be redressed and holden for none. And 28 Edw. 3. ch. 3. it is more direct; this liberty being followed with fresh suit by the subject; where the words are not many, but very full and significant; 'That no man, of what state and condition he be, shall be put out of his lands or tenements, nor taken, nor imprisoned, nor disinherited, nor put to death, without he be brought to answer by due process of the law.' Several other statutes were cited by him, in confirmation of this point of the Liberty of the Subject."

The king's council afterward made objections to the said argument; yet acknowledged, "That the 7 statutes, urged by the commons, are in force; yet said, That some of them are in general words, and therefore conclude nothing, but are to be expounded by precedents; and some of them are applied to the suggestion of subjects, and not to the king's command simply of itself; and that 'per legem terræ,' in Magna Charta, cannot be understood for process of law and original writ; for that in criminal proceedings, no original writ is usual at all; but every constable, either for felony or breach of the peace, or to prevent the breach of the peace, may commit without process or original writ; and it were very hard the king should not have the power of a constable. They also argued, That the king was not bound to express the cause of imprisonment; because there may be in it matter of state, not fit to be revealed for a time; lest the confederates thereupon make means to escape the hands of justice. Besides, that which the commons do say, That the party ought to be delivered or bailed, is a contradiction in itself; for bailing doth signify a kind of imprisonment still; delivery is a total freeing: and besides, bailing is a grace or favour of a court of justice, and they may refuse it."

To this it was replied, "That the statutes were direct in point; and though some of them speak of suggestions of the subjects, yet they are, in equal reason, a commitment by command of the king, as when the king taketh notice of a thing himself. And for the words, per legem terræ, original writs only are not intended, but all other legal process, which comprehendeth the whole proceedings of the law upon cause other than trial by jury; and the course of the law is rendered by due process of the law; and no man ought to be imprisoned by special command without indictment, or other due process to be made by the law. And, whereas, it is said, there might be danger in revealing the cause; that may be avoided, by declaring a general cause; as for treason, suspicion of treason, misprision of treason, felony, without expressing the particulars; which can give no greater light to a confederate, than will be conceived upon the very apprehension or upon the imprisonment, if nothing at all was expressed. And as for bailing the party committed, it hath ever been the discretion of the judges to give such respect to a commitment, by command of the king or privy-council, which are ever supposed to be done in just and weighty cases; that they will not suddenly set them free, but bail them to answer what shall be objected against them, on the king's behalf; but if any other inferior officer do commit a man without shewing cause, they do instantly deliver him, as having no reason to expect their leisure; so that delivery is applied when the imprisonment is by command of some mean minister of justice; and bailing, when by command of the king or his council: and though bailing is a grace and favour of the court in case of felony and other crimes; for that there is another way to discharge them, in a convenient time, by their trial: yet where no cause of imprisonment is returned, but the command of the king, there is no way to deliver such persons, by trial or otherwise, but that of the Habeas Corpus; and if they should be then remanded, they might be perpetually imprisoned without any remedy at all: and, consequently, a man that had committed no offence, might be in a worse case than a greater offender; for the latter should have an ordinary trial to discharge him: the other should never be delivered."

Mr. *Selden*. "Your lordships have heard, from the gentleman that spoke last, a great part of the grounds upon which the commons, upon mature deliberation, proceeded to that clear Resolution, touching the Right of the Liberty of their Persons: the many acts of parl. which are the written laws of the land, and are expressly to the point, have been read and opened; and such objections as have been, by some, made unto them, and objections also made out of other acts of parl. have been cleared and answered. It may seem now perhaps, that little remains needful to be further added, for the enforcement and maintenance of so fundamental and established a right and liberty belonging to every freeman of the kingdom. The commons taking into consideration that in this question (being of so high a nature, that never any exceeded it in any court of justice whatsoever) all the several ways of just examination of the truth should be used; have also most carefully informed themselves of all former judgments or precedents concerning this great point either way, and have been no less careful of the due preservation of his majesty's prerogative, than of their own rights. The precedents here are of two kinds; either merely matter of record, or

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else the formal resolutions of the judges, after solemn debate in the point.—This point that concerns Precedents, the commons have commanded me to present to your lordships; which I shall, as briefly as I may, so I do it faithfully and perspicuously: to that end, my lords, before I come to the particulars of any of those precedents, I shall first remember to you, that which will seem as a general key for the opening and true apprehension of all those on record; without which key no man, unless he be versed in the entries and course of the king's bench, can possibly understand. In all cases, my lords, where any right or liberty belongs to the subject by any positive law, written or unwritten; if there were not also a remedy by law for enjoying or regaining of this right or liberty, when it is violated or taken from him, the positive law were most vain, and to no purpose; and it were to no purpose for any man to have any right in any land or other inheritance, if there were not a known remedy; that is, an action or writ, by which, in some court of ordinary justice, he might recover it. And in this case of right of Liberty of Person, if there were not a remedy in the law for regaining it when it is restrained, it were to no purpose to speak of laws that ordain it should not be restrained. The writ of Habeas Corpus, or Corpus cum Causa, is the highest remedy in law for any man that is imprisoned; and the only remedy for him that is imprisoned by the special command of the king, or the lords of the council, without shewing the cause of commitment; and if any man be so imprisoned by any such command, or otherwise whatsoever through England, and desire, by himself, or any other in his behalf, this writ of Habeas Corpus for the purpose in the court of king's bench, that writs is to be granted to him, and ought not to be denied; and is directed to the keeper of the prison, in whose custody the prisoner remains, commanding him, That after a certain day he bring in the body of the prisoner, cum causa detentionis, and sometimes cum causa captionis; and he, with his return, filed to the writ, briageth the prisoner to the bar at the time appointed, and the court judgeth of the sufficiency or insufficiency of the return; and if they find him bailable, committitur marescallo, the proper officer belonging to the court, and then afterwards traditur in ballium. But if upon the return of the Habeas Corpus it appear to the court, that the prisoner ought not to be bailed, nor discharged from the prison whence he is brought, then he is remanded and sent back again, to continue till by due course of law he may be delivered; and the entry of this is, 'Remittitur quousque secundum legem deliberatus fuerit; or, remittitur quousque,' &c. which is all one, and the highest award of judgment that ever was or can be given upon a Habeas Corpus.—Your lordships have heard the Resolution of the commons, touching the enlargement of a man committed by command of the king or privy council, or any other, without cause shewed of such commitment; which Resolution, as it is grounded upon acts of parliament already shewn, (the reason of the law of the land being committed to the charge of another to open unto you) so it is strengthened by many precedents of records." He then produced 12 precedents, full and directly in the point, to prove that persons so committed, ought to be delivered upon bail; which were distinctly opened and read to their lordships. Then he also offered to their consideration other kind of precedents, which were solemn resolutions of judges, things not of record but yet remaining in authentic copies; which precedents and authorities we omit for the length thereof.—He then proceeded and said, "The commons (desiring with all care to inform themseves fully of the truth of the Resolution of the judges in the 34th year of the late queen, cited in the case of Sir J. Heveningham, by the king's counsel, as arguments against his not being bailed) have got into their hands a book of select cases, collected by the rev. and learned judge, chief justice Anderson, all written with his own hand; which he caused to be read. These precedents, saith he, do fully resolve for the maintenance of the antient and fundamental point of Liberty of the Person, to be regained by Habeas Corpus when any one is imprisoned."—Then he concluded, "That having thus gone through the charge committed to him by the commons, he should now, as he had leave and direction given him, lest their lordships should be put to much trouble and expence of time, in finding and getting copies at large of those things which he had cited, offer also to their lordships authentic copies of them all; and so left them, and whatsoever else he had said, to their lordships further consideration."

Sir *Edward Coke*. "Your lordships have heard 7 acts of parliament in point, and 81 precedents summarily collected, and with great understanding delivered; which I have perused, and understand them all thoroughly: 12 of the precedents are in terminis terminantibus, a whole jury of precedents, and all in the point. I am transported with joy, because of the hope of good success in this weighty business, your lordships being so full of justice, and the very theme and subject both promise success; which was corpus cum causa, the freedom of an Englishman, not to be imprisoned without cause shewn; which is my part to shew, and the reason and the cause why it should be so; wherein I will not be prolix; for to gild gold were idle and superfluous."—After that he had cleared some doubts made of the Statute of Westminster, which saith, 'That the sheriff, and others, in some cases, may not replevin men in prison,' he proceeded further and said, "That all those arguments offered unto you in this last conference, are of a double nature. 1. Acts of parliament. 2. Judicial precedents. For the first I hold it a proper argument for your lordships; because you, my lords temporal, and you, my lords spiritual, gave your as-

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sent unto those acts of parl.; and therefore, if these cannot persuade you, nothing can. For the 2nd, which are judicial precedents, it is Argumentum ab authoritate, and Argumentum ab authoritate, valet affirmative; that is, I conceive (though it be no good argument to say negatively) the present judges gave no opinion in this point. 3. It is good law, which I fortify with a strong axiom, Neminem oportet sapientiorem esse legibus. Now these two arguments being so well pressed to your lordships by my colleagues, I think you may wonder what my part may be: it is short but sweet; it is the Reason of all those Laws and Precedents; and reason must needs be welcome to all men: for all men are not capable of understanding the law, but every man is capable of reason. And these reasons I offer to your lordships, in affirmance of the antient laws and precedents made for the Liberty of the Subject, against Imprisonment, without cause expressed. 1. A re ipsa. 2. A minori ad majus. 3. From the remedies provided. 4. From the extent and universality of the same. 5. From the indefiniteness of the time. 6. A fine.—The first general reason is, A re ipsa, even from the nature of imprisonment, ex visceribus causæ; for I will speak nothing but ad idem, be it close or other imprisonment; and this argument is threefold; because an imprisoned man upon will and pleasure, is. 1. A bond-man. 2. Worse than a bond-man. 3. Not so much as a man; for mortuus homo non est homo; a prisoner is a dead man. 1. No man can be imprisoned upon the will and pleasure of any, but he that is a bond-man and villain; for that imprisonment and bondage are propria quarto modo to villains: now propria quarto modo, and the Species, are convertible; whosoever is a bond man may be imprisoned, upon will and pleasure; and whosoever may be imprisoned, upon will and pleasure, is a bond-man. 2. If Freemen of England might be imprisoned at the will and pleasure of the king, or his commandment, then were they in worse case than bond-men or villains; for the lord of a villain cannot command another to imprison his villain without cause, as of disobedience, or refusing to serve, as it is agreed in the Year-Books.'—And here he said, 'That no man should reprehend any thing he said out of the books or records. He said, he would prove a freeman, imprisonable upon command or pleasure without cause expressed, to be absolutely in a worse case than a villain; and if he did not make this plain, he desired their lordships not to believe him in any thing else; and then produced two Book-Cases, 7 Edw. 3.; A prior had commanded one to imprison his villain; the judges were ready to bail him, till the prior gave his reason, that he refused to be bailiff of his manor, and that satisfied the judges. Second Case, 33 Edw. 3. Title Trespass 253. in Faux Imprisonment: it was of an abbot, 'who commanded one to take and detain his villain; but the cause being demanded, he gives it, because he refused, being thereunto required, to drive his cattle. Ergo, Freemen imprisoned, without cause shewn, are in worse case than villains, that must have a cause shewn them why they are imprisoned. 3. A Freeman imprisoned, without cause, is so far from being a bond-man, that he is not so much as a man; but is indeed a dead man, and so no man. Imprisonment is in law a civil death; perdit domum, familiam, vicinos, patriam, and is to live amongst wretched and wicked men, malefactors, and the like. And that death and imprisonment was the same, he proved by an argument ab effectis, because they both produce the like immediate effects: he quoted a book for this; 'If a man be threatened to be killed, he may avoid feofment of lands, gifts of gooods, &c. So it is if he be threatened to be imprisoned: the one is an actual, the other is a civil death. And this is the first general argument, drawn a re ipsa, from the nature of imprisonment, to which res ipsa consilium dedit.'—The second general Reason he took from his books; 'For, he said, he had no law, but what, by great pains and industry, he learned at his book; for, at ten years of age, he had no more law than other men of like age. And this second reason is, à minori ad majus: he takes it from Bracton, 'Minima pœna corporalis est major qualibet pecuniaria.' But the king himself cannot impose a fine upon any man, but it must be done judicially by his judges, per justitiarios in curia, non per regem in camera; and so it hath been resolved by all the judges of England. He quoted 3 Rd. 2. The third general Reason is taken from the number and diversity of remedies, which the laws give against imprisonment, viz. Breve de Homine replegiando; de Odio & Atia; de Habeas Corpus; an appeal of imprisonment. Breve de Manucaptione. The two latter of these are antiquated; but the writ de odio & atia is revived, for that was given by the statute of Magna Charta, cap. 29. and by statute of 42 Edw. 3. it is declared, That all statutes made against Magna Charta, are void. Now the law would never have given so many remedies, if the freemen of England might have been imprisoned at will and pleasure.—The fourth general Reason is from the extent and universality of the pretended power to imprison; for it would extend not only to the commons of this realm, and their posterities: but to the nobles of the land, and their progenies: to the bishops and clergy of the realm, and their successors. And he gave a cause why the commons came to their lordships, 'Commune periculum commune requirit auxilium.' Nay, it reacheth to all persons, of what condition or sex, or age, soever; to all judges and officers, whose attendance is necessary, &c. without exception; and therefore an imprisonment of such extent, without reason, is against reason.—The 5th general Reason is drawn from the indefiniteness of the time; the pretended power being limited to no time; it may be perpetual during life: and this is very

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hard. To cast a man into prison, nay, to close prison, and no time allotted for his coming forth, is a hard case, as any man would think that had been so used. And here he held it an unreasonable thing, that a man had a remedy for his horse or cattle, if detained, and none for his body thus indefinitely imprisoned; for a prison, without a prefixed time, is a kind of hell.—The 6th and last argument is, 'A Fine;' and 'sapiens incipit à fine;' and he wished he had begun there also. This argument he made threefold. 'Ab honesto. This being less honourable. Ab utili. This being less profitable. A tuto. This imprisonment, by will and pleasure, being very dangerous for the king and kingdom.' 1. Ab honesto. It would be no honour to a king or kingdom, to be a king of bondmen or slaves; the end of this would be both dedecus & damnum, both to king and kingdom, that in former times hath been so renowned. 2. Ab utili. It would be against the profit of the king and kingdom, for the execution of those laws before remembered, Magna Charta. 5 Edw. 3. 28 Edw. 3. 42 Edw. 3. whereby the king was inhibited to imprison upon pleasure. You see, quoth he, that this was vetus querela, an old question; and now brought in again, after seven acts of parliament: I say, the execution of all these laws are adjudged in parliament to be for the common profit of the king and people; and he quoted the Roll, 'This pretended power being against the profit of the king, can be no part of his prerogative."—He was pleased to call this a binding reason, and to say, 'That the wit of man could not answer it; that great men kept this Roll from being printed, but that it was equivalent in force to the printed Rolls. 3. A tuto. It is extremely dangerous to the king for two respects; 1, of loss; 2, of destroying the endeavours of men. First, if he be committed without an expression of the cause, though he escape, albeit in truth it were for treason or felony, yet this escape is neither felony nor treason; but if the cause be expressed for suspicion of treason or felony, then the escape, though it be innocent, is treason or felony. He quoted a case in print like a reason of the law, not like a remittitur at the rising of the court, for the prisoner traditur in ballium, quod breve regis non fuit sufficiens causa; i. e. the king's command. He quoted another famous case. The commons in parliament, incensed against the duke of Suffolk, desire he should be committed: the lords and all the judges, whereof those great worthies, Prescot and Fortescue, were two, delivered a flat opinion, That he ought not to be committed without an especial cause. He questioned also the name and etymology of the writ in question, corpus cum causa; ergo, The cause must be brought before the judge, else how can he take notice thereof? Lastly, he pressed a place in the gospel, Acts 25, last verse, where Festus conceives it an absurd and unreasonable thing, to send a prisoner to a Roman emperor, and not to write along with him the cause alledged against him: send, therefore no man a prisoner, without his causes along with him, hoc fac & vives. And that was the first reason, à tuto, that it was not safe for the king, in regard of loss, to commit men without a cause.—The 2nd reason is, That such commitments will destroy the endeavours of all men. Who will endeavour to employ himself in any profession, either of war, merchandise, or of any liberal knowledge, if he be but tenant at will of his liberty? for no tenant at will will support or improve any thing, because he hath no certain estate; ergo, to make men tenants at will of their liberties, destroys all industry, and endeavours whatsoever. And so much for these six principal Reasons,

Taken { A re ipsa. / A minori ad majus. / A remediis. / From the Extent and Universality. / From the Indefiniteness of the Time. / A fine. } Loss of { Honour. / Profit. / Security. / Industry. }

These were his reasons.—Here he made another protestation, "That if remedy had been given in this case, they would not have meddled therewith by no means; but now that remedy being not obtained in the king's bench, without looking back upon any thing that hath been done or omitted, they desire some provision for the future only. And here he took occasion to add 4 Book-Cases and authorities, all in the point, saying, That if the learned counsel on the other side, could produce but one against the liberties, so pat and pertinent, Oh! how they would hug and cull it. 16 Hen. 6. Tit. Monstrance de Fait, 182. by the whole court, the king in his presence cannot command a man to be arrested, but an action of false imprisonment lieth against him that arresteth: if not the king in his royal presence, then none others can do it: Non sic itur ad astra. 20 Hen. 6. 4. Hussey reports the opinion of Markham, chief-justice to Edw. 4. that he could not imprison by word of mouth; and the reason, because the party hath no remedy; for the law leaves every man a remedy of causeless imprisonment: he added, that Markham was a worthy judge, though he fell into adversities at last by the lord Rivers's means, Fortescue, chap. 18. Proprio ore nullus regum usus est to imprison any man, &c. 4. Eliz. a blessed queen, renowned for justice and religion.) Pl. 235. The common law hath so admeasured the king's prerogative, as he cannot prejudice any man in his inheritance; and the greatest inheritance a man hath, is the Liberty of his Person, for all others are accessary to it; for this he quoteth the Orator, 'Major Hæreditas, venit unicuique nostrum, a jure & legibus quam a parentibus. And these are the 4 authorities he cited in this point; now he propounded and answered two objections; 1st. in point of state; 2ndly in the course held by the commons. I. *Obj.* 'May not the privy-council commit, without cause shewed, in a matter of state where secrecy is

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required? would not this be an hindrance to his maj.'s service? *Answ.* 'It can be no prejudice to the king as to matter of state, for the cause must be of higher or lower nature. If it be for suspicion of treason, misprision of treason, or felony, it may be by general words couched; if it be for any other thing of smaller nature, as contempt, and the like, the particular cause must be shewed; and no individuum vagum, or uncertain cause to be admitted. 2. *Obj.* 'If the law be so clear as you make it, why needs this declaration and remonstrance in parliament? *Answ.* The subject hath in this case sued for remedy in the king's bench, by Habeas Corpus, and found none; therefore it is necessary to be cleared in parliament."—Here sir Edward Coke ended his discourse: and then he made a Recapitulation of all that had been offered unto their lordships, That generally their lordships had been advised by the most faithful counsellors that can be, viz. dead men; these can't be daunted by fear nor muzzled by affection, reward, or hope, of preferment; and therefore your lordships might safely believe them; particularly, their lordships had 3 several kinds of proofs. 1. Acts of Parliaments, judicial precedents, good reasons. 1. You have had many antient acts of parliament in the point, besides Magna Charta; that is, 7 acts of parl. which indeed are 37, Magna Charta being confirmed 30 times; for so often have the kings of England given their royal assents thereunto. 2. Judicial precedents of grave and reverend judges, in terminis terminantibus, that long since departed the world, and they were many in number. Precedents being 12, and the judges 4 of a bench, made 4 times 12 and that is 48 judges. 3. You have, as he termed them, vividas rationes, manifest and apparent reasons. Towards the conclusion, he declared, That they of the commons have, upon great study and serious consideration, made a great manifestation unanimously, nullo contradicente, concerning this great Liberty of the Subject; and have vindicated and recovered the body of this fundamental liberty, both of their lordships and themselves, from shadows; which some times of the day, are long, sometimes short, and sometimes long again; and therefore we must not be guided by shadows: and they have transmitted to their lordships not capita rerum, heads or briefs; for these compendia are dispendia; but the Records at large, in terminis terminantibus.' And so he concluded "That their lordships are involved in the same danger, and therefore, ex congruo & condigno, they desired a conference; to the end their lordships might make the like Declaration as they had done, 'commune periculum commune requirit auxilium;' and thereupon take such further course, as may secure their lordships and them, and all their posterity, in enjoying of their antient, undoubted, and fundamental liberties."

April 9. After the foregoing Report was made, the lords took into consideration the business sent up by the commons, touching their antient Liberties; and after some debate, it was agreed to hear the king's learned counsel, the morrow, what they could say on the king's behalf, relating to the claim of the commons against him. The arguments made use of by the attorney general, assisted by others of the king's counsel, which we find, by the Journals, lasted two days, are not entered there; nor are they mentioned by Rushworth. What we find in the former authorities, is, That when Mr. Attorney had done, the judges of the king's bench, and the rest of the judges in town were ordered to be sent for to take their opinions in this great affair: and particularly to declare what the judgment was in the king's bench, which the commons complained of. But we shall leave this affair for the present time to return to that house.

Debate on the King's Message to hasten the Supply.] April 4. The Supply was again taken into consideration. It was introduced by a Message from the king, delivered by secretary Cooke, to this effect: "His maj. hath again commanded me to put you in mind, how the eyes and interest of the Christian world are cast upon the good or ill success of this assembly. He also graciously taketh notice of that which is in agitation amongst us, touching the freedom of our Persons, and Property of our Goods: and that this particular care (which he no way misliketh) may not retard our resolution for the general good, he willeth us chearfully to proceed in both, and to express our readiness to supply his great occasions; upon assurance that we shall enjoy all our rights and liberties, with as much freedom and security in his time, as in any age heretofore, under the best of our kings: and whether we shall think fit to secure ourselves herein, by way of bill or otherwise, so as it be provided for with due respect of his honour and the public good, (whereof he doubteth not but that we will be careful) he promiseth, and assureth you, that he will give way unto it; and the more confidence you shall shew in his grace and goodness, the more you shall prevail to obtain your desires,"—Hereupon,

Sir *Benj. Rudyard* spoke as follows:* The dangers and necessities of our present state, Mr. Speaker, are so obvious to every man's eye and understanding; and therefore so well known, as to make a large and particular rehearsal of them would rather astonish our judgments, than refresh our memory: wherefore, in short and in gross, I will only reflect on the desperate condition of the king's uncle, the king of Denmark; engaged from hence, (even to the hazard of his own kingdom) in the quarrel of that royal and gallant lady his majesty's sister, for the recovery of her and her children's patrimony, with the preservation and re-establishment of our religion in those countries; so that the king is bound in nature, in policy, and in religion, to relieve and assist both the persons and the cause to the utmost of his

* Taken from a MS. in the Harleian Library.

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power. Believe it, the hinge of most of the businesses moved in Christendom turn on the affairs of Germany: for if that great body were once united under one head, it would crush all the rest with the weight of it. Next, let us look a little over into France: there shall we find the poor men of our religion, exposed to the fury of an inraged king; with a juster pretence against them than hath been at any time heretofore: besides, which is worse, the kings of Spain and France are united against them and us, and made better friends than ever they meant to have been: so that, not to succour and support the professors of our religion, will not only be infidelity and cruelty, but improvidence and folly; for their ill is ours. If Rochelle should be lost, which is now in losing, and his maj. not able to set out one ship to help it; if it should be lost, it would hazard the total extirpation of the religion; besides, it would be an extraordinary advantage to the king of France for shipping, and as great a disadvantage to us in respect of his neighbourhood: and if the Sound should be lost too, how should we escape from being swallowed up by a Spanish invasion? This island would be more like a prison than a kingdom, for we should not then be able to walk abroad. These are dangers too many, yet have I willingly abridged them; for I had rather come to the remedy, and so should we all: this consists only in money, plentifully and speedily brought in, wisely and judiciously laid out. I doubt not but we are all resolved to give: wherefore let us prepare ourselves to give plentifully, to satisfy the public occasions, and to heave his maj. out of necessity; for necessity is the worst counsellor, and I shall be very sorry that we, of all others, should be guilty of placing such ill counsel about the king: and now to think of sparing, when all lies at the stake, were the most undoing kind of frugality. Let us give speedily; for delay is the greatest danger of all dangers: it will not only lose that which we give, but that also which we would give. And this I propound, not as the king's business, but our own, wherein every man in this house hath particular interest; if his fortune, his life, his religion, be any thing unto him. Neither speak I this to divert the great business in hand, but to hasten it, for I love as well Mr. Speaker, to tread upon English ground, as any man here doth.'

Mr. *Pym.* 'In business of weight, dispatch is better than discourse: we came not hither without all motives, that can be, towards his maj. had he never sent in this message: we know the danger of our enemies; we must add expedition to expedition; let us forbear particulars. A man in a journey is hindered by asking too many questions. I do believe our peril as great as can be; every man complains of it, and that doth encourage the enemy. Our way is to take that which took away our estates; that is, the enemy: to give speedily is that which the king calls for. 'A word spoken in season is like an Apple of Gold set in Pictures of Silver,' and actions are more precious than words. Let us hasten our resolutions to supply his majesty.'

Five Subsidies voted.] Hereupon after some debate, the commons came to this unanimous Resolve, That 5 Subsidies be given to his maj.: and Mr. Sec. Cooke was appointed to acquaint his maj. with the Resolution of the house.

April 7. Mr. Secretary Cooke reported to the house the king's acceptance of the Subsidies; and that his maj. was pleased to ask, 'By how many voices they were gained?' I said, 'But by one.' His maj. asked, 'How many were against him?' I said, 'none; for they were voted by one voice, and one general consent.' His maj. was much affected therewith, and called the lords in council: and there I gave them an account of what had passed: besides it gave his maj. no small content, that although 5 Subsidies be inferior to his wants, yet it is the greatest gift that ever was given in parliament; and now he sees, that with this he shall have the affections of his people, which will be greater to him than all value. He said, 'He liked parliaments at first, yet since, (he knew not how) he was grown to a distaste of them; but was now where he was before; for he loves them; and shall rejoice to meet with his people often. That this day he had gained more reputation in Christendom, than if he had won many battles.' And to secure our further fear, and to create further confidence, he assureth us, that we shall enjoy as great immunities in his time, as ever we did possess, or had, under the reign of any the best kings of this realm.'

Mr. Secretary at the same time acquainted the house, that upon his informing the king of their giving of 5 Subsidies, the duke of Buckingham addressed himself to his majesty at the council-table, as follows:

"Sir; Methinks I now behold you a great king; for love is greater than majesty: the opinion that the people loved you not, had almost lost you in the opinion of the world; but this day makes you appear as you are, a glorious king, loved at home, and now to be feared abroad. This falling out so happily, give me leave, I beseech you, to be an humble suitor to your maj. 1st, for myself, that I, who have had the honour to be your favourite, may now give up that title unto them; they to be your favourites, and I to be your servant. My 2nd suit is, that they having done all so well, you will account of them all as one; a body of many members, but all of one heart. Opinion might have made them differ, but affection did move them all to join with like love in this great gift; for the proportion, although it be less than your occasions may ask, yet it is more than ever subjects did give in so short a time: nor, I am persuaded, will it rest there; for this is but an earnest of their affections, to let you see, and the world know, what subjects you have, that when your honour, and the good of the state is engaged, and aid asked in the ordinary way of parliament, you cannot want. This is not a

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gift of 5 Subsidies alone, but the opening of a mine of subsidies that lieth in their hearts. This good beginning hath wrought already these effects; they have taken your heart, and drawn from you a declaration that you will love parliaments. And again this will meet, I make no question, with such respect, that their demands will be just, dutiful, and moderate; for they that know thus to give, know well what is fit to ask. Then cannot your maj. do less than out go their demands, or else you do less than yourself or them; for your message begot trust; their truth and your promises must then beget performances. This being done, then shall I, with a glad heart, behold this work as well ended as now begun; and then shall I hope that parliaments shall be made hereafter so frequent, by the effects and good use of them, as they shall have this further benefit, to deter from approaching your ears all projectors and introducers of innovations, as disturbers both of church and common-wealth. Now, sir, to open my heart, and to ease my grief, please you to pardon me a word more. I must confess I have long lived in pain; sleep hath given me no rest; favours and fortunes no content, such have been my secret sorrows, to be thought the man of separation, that divided the king from his people, and them from him; but I hope it shall appear they were some mistaken minds, that would have made me the evil spirit that walketh between a good master and loyal people, by ill offices; whereas, by your majesty's favour, I shall ever endeavour to approve myself a good spirit, breathing nothing but the best services to them all. Therefore this day I account more blessed to me than my birth, to see myself able to serve them, to see you brought into love with parliaments, to see a parliament express such love to you; and God so love me and mine, as I joy to see this day!"

Sir J. Elliot resents the D. of Bucks Speech.] Mr. Sec. Cooke also at this time, repeated the substance of the king's Answer to the Petition of both houses concerning Recusants, pursuant to his majesty's order. This being done,

Sir *John Elliot* stood up and spoke as follows.* 'I presume we have all received great satisfaction from his maj. as at other times, so now in his gracious Answer and Resolution for the business of this house; his Answer to our Petition for Religion so particularly made; his Resolution in that other consideration concerning the point, already settled here, in declaration of our liberties; and for the parliament in general; that he hath taken so good a liking to our manner of proceeding, as it hath gained his promise therein to meet us often; whereby I am confident, as of his grace to us, so of our loyalties, that to thus good a beginning we shall add so happy a conclusion, as shall increase that liking and good opinion in his maj.; and from henceforth make him more and more in love with parliaments. As thus in general, so in my own particular, I receive so great satisfaction herein, that I have not words enough sufficiently to utter it. And yet, I confess, that extremity of joy is not without trouble, which must likewise be declared; to disburden this affection, which cannot, otherwise, so lively and so faithfully, express my devotion to the service of this house, as I had resolved. I know not by what fatality or infortunity it has crept in; but I observe, in the close of Mr. Secretary's relation, mention made of another in addition to his maj.; and that which hath been formerly a matter of complaint, I find here still: a mixture with his maj. not only in his business but in name. Is it that any man conceives the mention of others, of what quality soever, can add encouragement or affection to us, in our duties and loyalties towards his maj.; or give them greater latitude or extent than naturally they have? Or is it supposed, that the power or interest of any man can add more readiness to his maj. in his gracious inclination towards us, than his own goodness gives him? I cannot believe it. And as the sweetness and piety of his maj. which we have in admiration, make me confident in this; so the expression of our duty, so perspicuous and clear as already hath been given, is my assurance for the other. But, sir, I am sorry there is occasion that these things should be argued; or this mixture, which was formerly condemned, should appear again. I beseech you, sir, let it not be hereafter; let no man take this boldness within these walls, to introduce it; though, I confess, for my own particular, I shall readily commend, nay, thank that man whose endeavours are applied to such offices as may be advantageable for the public; yet in this manner, so contrary to the customs of our fathers and the honour of our times, as I cannot, without scandal, apprehend it; so I cannot, without some character or exception, pass it. And therefore I desire that such interposition may be let alone; and that all his majesty's regards and goodnesses, towards this house, may spring alone from his confidence of our loyalty and affections. Now let us proceed to those services that concern him; which I doubt not, in the end, will render us so real unto him, that we shall need no other help to endear us to his favour.'

Although it is expressly said before, in Rushworth, that the commons voted a Supply of 5 Subsidies on the 4th of April; there is not one word of it mentioned in the Journals, till several days after; the house seeming to be busy in preparing their 'Petition of Right,' which, they were resolved, should go hand in hand with the other. And, it seems very probable, that no such vote was yet passed, by what follows in the Collections, which now exactly coincides with the Journals of the commons.

The King's Message desiring the Commons not to make any Recess at Easter.] April

* From the 'Ephemeris Parliamentaria,' corrected by the MS.

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10, Mr. Sec. Cooke delivered this message from the king, 'That his maj. desired this house not to make any Recess these Easter holidays, that the world may take notice, how earnest his maj. and we are for the public affairs in Christendom, which, by such a recess, would receive interruption.' This message for non-recess, was not well pleasing to the house.

Sir *Rob. Philips* first resented it, and took notice, 'That in 12th and 18th Jac. upon the like intimation, the house resolved it was in their power to adjourn or sit: hereafter, said he, this may be put upon us by princes of less piety. Let a committee consider hereof, and of our right herein, and make a declaration.' Accordingly this matter, touching his majesty's pleasure about the Recess, was referred to a committee, who were to consider the power of the house to adjourn itself; to the end, that it being now yielded unto in obedience to his maj. it might not turn to prejudice in time to come.

Sir *Edw. Coke.* 'I am as tender of the privileges of this house as my life; and they are the heart-strings of the common-wealth. The king makes a prorogation, but this house adjourns itself. The commission of adjournment we never read, but say, 'This house adjourns itself.' If the king write to an abbot for a corody, for a valet, if it be ex rogatu, though the abbot yields to it, it binds not. Therefore I desire that it be entered, that this is done ex rogatu regis.'

Hereupon a Message was sent to the king, That the house would give all expedition to his majesty's service, notwithstanding their purpose of recess. To which message, his maj. returned this Answer, that the motion proceeded from himself, in regard of his engagement in the affairs of Christendom; that he wished them all alacrity in their procedings, and that there be no recess at all.

Further Debate on the Supply.] April 11. Mr. Sec. Cook moved the expediting of Subsidies, and turning of the votes into an act: 'We have many petitions to the king, said he, and they are petitions of right. We have freely and bountifully given 5 Subsidies, but no time is appointed; and subsidy without time is no subsidy: let us appoint a time.'

Sir *Dudley Diggs.* 'We have freely concluded our liberties; we have offered 5 Subsidies; his majesty hath given us gracious answers; we have had good by our beginnings: what have we hitherto done for the king? nothing is done that the king can take notice of. The world thinks that this parliament hath not expressed that resolution that it did at first. How much doth it concern the king, that the world be satisfied with his honour? Our success and honour is the king's. Princes want not those that may ingratiate themselves with them, by doing ill offices. There is a stop; and never did a parliament propound any thing but it hath been perfected sooner than this is. May not the king say, 'What have I done? They grow cold. Have I not told them I will proceed with as much grace as ever king did? He will settle our properties and goods. Have we not had a gracious answer. Are we hand in hand for his Supply? Shall it be said that this day it was moved, but denied? It may put our whole business back: wherein can this disadvantage us? I dare say, confidently, we shall have as much favour from his maj. as ever any subjects had from their king.'

Sir *Tho. Wentworth.*] 'When we set down the time, let us be sure the subjects liberties go hand in hand together; then to resolve of the time; but not report it to the house, till we have a ground, and a bill for our liberties: this is the way to come off fairly, and prevent jealousies.'—Hereupon the committee of the whole house resolved, That Grievances and Supply go hand in hand.

Another Message from the King to hasten the Supply.] April 12. Mr. Sec. Cooke delivered another Message from the king, viz.*

'His maj. having given timely notice to this house, as well of the pressure of the time, as of the necessity of Supply, hath long since expected some fruit of that which was so happily begun; but finding a stop beyond all expectation, nay beyond all example, after so good beginning, he hath commanded me to tell you, That, without any further or unnecessary delay, he would have you to proceed in his business; for, however, he hath been willing that his affairs and ours should concur and proceed together; yet his meaning was not, that the one should give interruption to the other; nor the time to be spun out upon any pretence, to hinder that resolution, upon which the common cause of this kingdom, and even, of all Christendom doth so much depend: he bids us, therefore, take heed, that we force not him (by our tedious and unnecessary delays) to make an unpleasing end of that which was so well begun.'—I will discharge my duty. I humbly desire this house, not to undervalue or overstrain this Message; if we conceive any thing in it to tend, as if his maj. threatened to dissolve this parliament, we are deceived; his maj. intends the contrary, and to put us in such a way, that our business may have speedy success. His maj. takes notice of a peremptory order, whereby he conceived, that his business was excluded, at least for a time; and that which doth most press his maj. is time: believe me the affairs now in hand press his majesty's heart more than us. Let us remove delays that are more than necessary; let us awaken ourselves; he intends a speedy dispatch. I must, with some grief, tell you, that notice is taken, as if this house pressed not only upon the abuses of power, but upon power itself; this toucheth the king, and us who are supported by that power: let the king hear of any abuses of power; he will willingly hear us; and let us not bend ourselves against the extention of his royal power, but contain our-

* From Sir John Napier's MS.

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selves within those bounds, that we meddle only with pressures and abuses of power; and we shall have the best satisfaction that ever king gave. I beseech you all to concur this way, and use that moderation we have not had the honour yet to gain.'

Being moved to explain what he meant by the word 'power,' which, he said, we did oppose; he answered, 'I cannot descend to particulars, or go from that his maj. gave me warrant or power to deliver.' This Message was very unpleasing to the house, and many debates succeeded thereupon.

Sir *Rob. Philips* said, 'He hoped their moderation would have given his maj. a right understanding of their loyalty.'

Mr. Sec. *Cooke* again. 'All negociations of embassadors are at a stop while the house sits; this stop is as a frost upon the earth, that hinders the sweet vapours between his maj. and his subjects; and as matters stand, the soldiers can neither be disbanded, nor put in service.'

Mr. *Wandesford*. 'This motion comes unexpectedly, but it is fit to receive some satisfaction: the proceeding now with our Grievances will open the stop that hinders his maj.'s affairs.'

Sir *H. May*. 'Sweetness, trust, and confidence are the only weapons for us to deal with our king: coldness, inforcement, and constraint will never work our ends: if we compass all we desire, and have not his maj.'s heart, what good will a law or any thing else do us?'

Sir *Tho. Wentworth* *. 'I cannot help lamenting the unlawful courses and slights, for which the only excuse is necessity. We are required to give; but before we can resolve to give, it must be determined what we have to give; what heavy fogs have of late darkened our hemisphere, and yet hang over us, portending our ruin, none is so weak as to be ignorant of. What unsteady courses to dispel these mists, have been pursued, and thereby raised near us great storms, I take no pleasure to remember: yet, in all bodies diseased, the knowledge precedes the cure. I will shortly tell the principals; next their remedies. I must reduce them into two heads: One, whereby our persons have been injured; the other whereby, our estates have suffered. Our persons have been injured, both by imprisonment without law; nay against law, boundless and without bank; and by being designed to some office, charge and employment, foreign or domestic, as a brand of infamy and mark of disgrace. Oh! Mr. Speaker, when it may not be safe to deny payments upon unjust exactions, but we must go to prison for it: nor, in this place, to speak our consciences, but we must be stamped to unwilling and unfitting employments! Our estates have been racked two ways; one in the Loan, wherein 5 Subsidies were exacted; and that by commission of men of quality, and instructions to prosecute the same with an asperity which no times can parallel. And hence the other consideration, of the projectors and executioners of it: nay, this was not all, but ministers, in their pulpits, have preached it as gospel, and damned the refusers of it: so then we are already doomed to damnation! The second way whereia our estates have suffered, hath been, and yet is in being, by Billeting of Soldiers in most counties in this kingdom. These rough ways lead neither to the king's profit, nor the kingdom's safety: the former may appear by the emptiness of the exchequer and sale of the antient crown-lands: the latter by the imminent and deep dangers that are ready to swallow us up: but I take no pleasure in touching these strings. I conclude with this motion, That we name a committee to consult on these Grievances, and to digest them moderately, discreetly, and truly, into an humble Petition; and let no man distrust his maj. or judge this way a break-neck of parliaments; but a way of honour to the king, nay of profit; for besides the Supply which we shall readily give him suitable to his occasions, we give him our hearts. Our hearts, Mr. Speaker, a gift that God calls for, and fit for a king.'—Hereupon it was ordered, That a special committee of ten members do presently withdraw themselves, and consult together upon some heads, and upon the substance of a fair Representation to his maj.; which the speaker shall deliver in his speech to his maj. on Monday next, if the king please to give access; and at the same time to deliver the Petition against Billeting of Soldiers. This was done accordingly, and, upon the report, agreed to by the house, as follows:

"The Instructions of the Commons to their Speaker, in answer to the king's Message of the 11th of April, by Secretary Cooke *.

"I. That it is the antient right of parliament to dispose of matters, there debated, in their own method. II. That it is their antient custom, to consider of Grievances before matters of Supply. III. That yet nevertheless, in this parliament, to express our affection to his maj. contrary to our ordinary proceedings, we have proceeded in the Supply, as far as we could, in that committee. IV. This we have been so far from delaying, that, postponing the common and pressing Grievances of the nation, we have given precedency to the Supply; joining with it only the fundamental and vital liberties of the kingdom, that give subsistence to the subject. V. Further to express the fulness of our loyalty and affection to the king, we have exceeded our order in that particular concerning the Supply; which, though later in proposition, yet hath been first made ready for conclusion in the committee. VI.

* Taken from a MS. in the Harleian Library.

* These Instructions are omitted in Rushworth, and in the Journals; but are supplied from the Harleian MS. before mentioned.

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No person or council can be greater lovers of, or more careful to maintain, the sacred rights and prerogatives of the crown, than we: and we do conceive, that the maintaining of the fundamental rights and liberties of the subject is an essential means to establish the glory of a monarch; and that by it his subjects are the better enabled to do him service; which hath been formerly the cause of many glorious victories won by this nation, above other kingdoms of larger territories, and greater number of people. VII. What information is given to his maj. contrary to this, doth proceed from such persons as, to serve their own ends, under colour of advancing his majesty's prerogative, do, in fact, weaken the royal power. VIII. We trust to be cleared in his majesty's judgment, that there hath been no unnecessary stop, but a most chearful proceeding in the matter of Supply: and therefore we do humbly desire that his maj. will take no information, in this, or any other business, from private relations, but to judge of our proceedings by such Resolutions as shall be presented to his majesty from this house. IX. Being thus rightly and graciously understood, we assure ourselves that the end of this parliament shall be more happy than the beginning."

The Speaker's Speech to the King, on presenting the Petition against Billetting of Soldiers.] In pursuance of these Instructions the Speaker introduced the Petition of the Commons to the King, relating to the Billetting of Soldiers, with the following speech,* on the 14th of April, being Easter-Monday.

"Most gracious and dread sovereign; Your dutiful and loyal commons here assembled, were lately humble suitors to your maj. for access to your royal presence: the occasion that moved their desires herein, was a particular of importance, worthy your princely consideration; and which, as it well deserves, should have been the only subject of my speech at this time.—But since your gracious Answer for this access, obtained by a Message from your maj.; they have had some cause to doubt, that your maj. is not so well satisfied with the manner of their proceedings, as their hearty desire is you should be; especially in that part which concerns your maj.'s present Supply, as if, in the prosecution thereof, they had used some slackness or delay.—And, because no unhappiness of theirs can parallel with that which may proceed from a misunderstanding in your maj. of their clear and loyal intentions, they have commanded me to attend your maj. with an humble and summary declaration of their proceedings, since this short time of their sitting; which they hope will give your maj. abundant satisfaction that never people did more truly desire to be endeared in the favour and gracious opinion of their sovereign; and withal to let your maj. see, that as you can have no where more faithful counsel, so your great designs and occasions can no way be so speedily or heartily supported, as in this old and antient way of parliament.—For this purpose they humbly intreat your maj. to take into your royal consideration, that, although by antient right of parliament, the matters there debated are to be digested in their own method and order, and that their constant custom hath been, to take into their consideration the common Grievances of the kingdom, before they enter upon the matter of Supply; yet to make a full expression of that zeal and affection which they bear to your royal person, equalling at least, if not exceeding the best affections of their predecessors to the best of your progenitors; they have in this assembly, contrary to the ordinary proceedings of parliament, given your maj.'s Supply precedence before the common Grievance of the subject, how pressing soever; joining with it, only, those fundamental and vital liberties of the kingdom, which give subsistence and ability to your subjects.—This was their original order and resolution; and was grounded upon a true discernment, that these two considerations could not be severed; but did both of them equally concern your maj.'s service; consisting no less in enabling and encouraging the subject, than in proportioning a present suiting to your maj.'s occasions and their abilities: may, so far have they been from using any unnecessary delays, that though, of the two, the Supply were the later proposition amongst them, yet the grand committee to which both were referred, hath made that first ready for conclusion.—And to be certain that your maj.'s Supply might receive no interruption by the other, they have, differing from usage and custom (in cases of this nature) sent up, of those that concern the subjects, by parcels, some to your maj. and some to the lords; to the end your maj. might receive such speedy content, as suited with the largest and best extent of their first order.—Sir, you are the breath of our nostrils, and the light of our eyes; and besides those many comforts, which under you and your royal progenitors, in this frame of government, this nation hath enjoyed, the very religion we profess hath taught us whose image you are; and we do all most humbly beseech your maj. to believe, that nothing is or ever can be more dear unto us than the sacred rights and prerogatives of your crown: no person or counsel can be greater lovers of them, nor be more truly careful to maintain them: and the preserving those fundamental liberties, which concern the freedom of our persons, and property in our goods and estates, is an essential means to establish the true glory of a monarch.—For rich and free subjects, as they are best governed, so they are most able to do your maj. service, either in peace or war; which, next under God, hath been the cause of the happy and famous victories of this nation, beyond other kingdoms of larger territories, and greater numbers of people.—What information soever contrary to this shall be brought unto your maj. can come from no other than such as for their

* From Rushworth, corrected by the Manuscript.

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own ends, under colour of advancing the prerogative, do indeed, in truth, undermine and weaken the royal power; and, by impoverishing the subject, render this monarchy less glorious, and the people less able to serve your maj.—Having, by this that hath been said, cleared our hearts and proceedings towards your maj.; our trust is, that, in your royal judgment, we shall be free from the least opinion of giving any unnecessary stop to our proceedings in the matter of Supply; and that your maj. will be pleased to entertain belief of our alacrity and cheerfulness in your service; and that, hereafter, no such misfortune shall befall us as to be misunderstood by your maj. in any thing.—We all most humbly beseech your maj. to receive no information, in this or any other business, from private relations; but to weigh and judge of our proceedings by those Resolutions of the house, that shall be presented from ourselves.—This being rightly and graciously understood, we are confident from the knowledge of your goodness and our own hearts, that the ending of this parliament shall be much more happy than the beginning; and be to all ages styled the 'Blessed Parliament,' for making perfect union between the best king and the best people; that your maj. may ever delight in calling us together, and we rejoice in the comforts of your gracious favour towards us.—In this hope, I return to my first errand; which will best appear by that which I shall humbly desire your maj. to hear; it being an humble Petition from the commons, for redressing of those many inconveniencies and distractions, that have befallen your subjects by the Billetting of Soldiers in private men's houses, against their wills.—Your royal progenitors have ever held their subjects hearts the best garrison of this kingdom; and our humble suit to your maj. is, that our faith and loyalty may have such a place in your royal thoughts, as to rest assured that all your subjects will be ready to lay down their lives for the defence of your sacred person and this kingdom.—Not going ourselves into our countries this Easter, we should think it a great happiness to us, (as we know it would be a singular comfort and encouragement to them that sent us hither) if we might but send them the news of a gracious Answer from your maj. in this particular; which the reasons of the Petition, we hope, will move your most excellent maj. graciously to vouchsafe us."

"THE PETITION CONCERNING THE BILLETING OF SOLDIERS.

"To the King's Most Excellent Majesty. In all humility complaining, sheweth unto your most excellent maj. your loyal and dutiful commons, now in parliament assembled, that whereas, by the fundamental laws of this realm, every freeman hath, and of right ought to have, a full and absolute property in his goods and estate; and that therefore the billeting and placing soldiers in the house of any such freeman against his will, is directly contrary to the said laws, under which we and our ancestors have been so long and happily governed; yet, in apparent violation of the said antient and undoubted right of all your majesty's loyal subjects of this your kingdom in general, and to the grievous and insupportable vexation and detriment of many counties and persons in particular, a new and almost unheard of way hath been invented and put in practice, to lay soldiers upon them, scattered in companies here and there, even in the heart and bowels of this kingdom; and to compel many of your maj.'s subjects to receive and lodge them in their own houses, and both themselves and others to contribute towards the maintenance of them, to the exceeding great disservice of your maj. the general terror of all, and utter undoing of many of your people; insomuch as we cannot sufficiently recount, nor in any sort proportionable to the lively sense that we have of our miseries herein, are we able to represent unto your maj. the innumerable mischiefs and most grievous exactions that, by this means alone, we do now suffer; whereof we will not presume to trouble your sacred ears with particular instances; only, most sacred sovereign, we beg leave to offer to your most gracious view and compassionate consideration, a few of them in particular. 1. The service of Almighty God is hereby greatly hindered, the people in many places, not daring to repair to the church, lest, in the mean time, the soldiers should rifle their houses. 2. The antient and good government of the country is hereby neglected, and almost contemned. 3. Your officers of justice, in performance of their duties, have been resisted and endangered. 4. The rents and revenues of your gentry greatly and generally diminished; farmers, to secure themselves from the soldiers insolence, being, by the clamour and solicitation of their fearful and injured wives and children, enforced to give up their wonted dwellings, and to retire themselves into places of more secure habitation. 5. Husbandmen, that are as it were the hands of the country, corrupted by ill example of the soldiers, and encouraged to idle life, give over work; and rather seek to live idly, at another man's charge, than by their own labour. 6. Tradesmen and artificers almost discouraged; by being inforced to leave their trades, and to employ their time in preserving themselves and their families from violence and cruelty. 7. Markets unfrequented, and our ways grown so dangerous, that the people dare not pass to and fro upon their usual occasions. 8. Frequent robberies, assaults, batteries, burglaries, rapes, rapines, murders, barbarous cruelties, and other most abominable vices and outrages, are generally complained of from all parts, where these companies have been and have their abode; few of which insolencies have been so much as questioned, and fewer, according to their demerit, punished.—These and many other lamentable effects, have, by the Billeting of Soldiers, already fallen upon us your loyal subjects; tending no less

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to the disservice of your maj. than to their own impoverishing and destruction; so that, thereby, they are exceedingly disabled to yield your maj. those Supplies for your urgent occasions, which they heartily desire; and yet they are further perplexed with apprehension of more approaching danger; one in regard of your subjects at home, the other of enemies from abroad; in both which respects it seems to threaten no small calamity.—For the 1st, the meaner sort of your people being exceeding poor, whereof in many places are great multitudes, and therefore, even in times of more settled and constant administration of justice, not easily ruled, are most apt, upon this occasion, to cast off the reins of government; and by joining themselves with those disordered soldiers, are very like to fall into mutiny and rebellion: this, in faithful discharge of our duties, we cannot forbear most humbly to present to your high and excellent wisdom; being possessed with probable fears that some such mischief will shortly ensue, if an effectual and speedy course be not taken to remove out of the land, or otherwise to disband, those unruly companies.—For the 2nd, we do most humbly beseech your maj. to take into your princely consideration, that many of those companies, besides their dissolute disposition and carriage, are such as do openly profess themselves papists; and therefore to be suspected that, if occasion serve, they will rather adhere to a foreign enemy of that religion, than to your maj. their liege lord and sovereign; especially some of their captains and commanders being as popishly affected as themselves, and having served in the wars, on the part of the king of Spain and the Arch-Duchess, against your majesty's allies; which, of what pernicious consequence it may prove, and how prejudicial to the safety of your kingdom, we leave to your majesty's high and princely wisdom.—And now upon these, and many more which might be alledged, most weighty and important reasons, grounded on the maintenance of the worship and service of Almighty God, the continuance and advancement of your majesty's high honour and profit, the preservation of the antient and undoubted liberties of your people, and therein of justice, industry and valour: all which nearly concern the glory and happiness of your maj. and your subjects; and the preventing of calamity and ruin both of church and common-wealth: we your majesty's most humble and loyal subjects, the knights, citizens, and burgesses of your house of commons, in the name of all the commonalty of your kingdom, who are, upon this occasion, most miserably disconsolate and afflicted, prostrate at the throne of your grace and justice, do most ardently beg a present remove of this insupportable burden; and that your maj. would be graciously pleased to secure us from the like pressure in the time to come."

The King's Answer.] To the foregoing Petition the king made the following Answer.

"Mr. Speaker, and you Gentlemen; When I sent you my last Message, I did not expect a reply, for I intended it only to hasten you; not to find fault with you. I told you, at your first meeting, this time was not to be spent in words, and I am sure it is less fit for disputes; which if I had a desire to entertain, Mr. Speaker's preamble might have given me ground enough. The question is not now, What liberty you have in disposing of matters handled in your own house; but rather at this time what is fit to be done: wherefore I hope you will follow my example, in eschewing disputations, and fall to your important business. You make a protestation of your affection and zeal to my prerogative grounded upon such good and just reasons that I must believe you: but I look that you use me with the like charity, to believe what I have declared, more than once since your meeting, which is, that I am as forward as you for the necessary preservation of your true liberties. Let us not spend so much time in this, that may hazard both my prerogative and your liberties to our enemies. To be short; go on speedily with your business without any fear or more apologies; for time calls fast, which will neither stay for you nor me: wherefore it is my duty to press you to hasten, as best knowing the truth and necessity of it; and yours to give credit to what I say, as to him that sits at and guides the helm. As to what concerns your Petition, I shall make Answer in a convenient time."

The Commons Complaint against the E. of Suffolk, for aspersing a Member of their House.] April 14. Information was given to the commons, by Mr. Kirton, that a lord (the earl of Suffolk) had said, two days before, 'That a gentleman of this house (Mr. Selden) deserved to be hanged for razing a record:' with some other speeches to the like purpose. Sir J. Strangeways was named as the person who heard the words; and he was ordered, by the house, to declare his knowledge therein. Sir James said, 'That going up to the house of lords to speak to a lord, about private business, he was asked by one who met him, 'If he had heard nothing?' After this, going into the committee-chamber of the lords, to the best of his remembrance, the words used by the earl of Suffolk were these; 'Sir J. Strangewayes, will you not hang Selden?' To which he answered, 'My lord, I know no cause for it.' The earl swore, by God, 'he had razed a record, and was worthy to be hanged for it.' Upon this Mr. Selden was called upon to justify himself in this particular of razing a record. 'Who first denied the charge in general, and next in particular. That he delivered in to the lords diverse copies of records examined by himself, and several other members of the house; wherein he was far from doing any such thing as was charged upon him.'—Upon question it was resolved, 'That Sir J. Strangewayes shall set down the words spoken by the earl of Suffolk of Mr. Selden; and that Sir Rob. Philips shall go up with a Message to the lords to charge the earl of Suffolk with the words; and to de-

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sire justice from the lords against him; for a wrong, done to the house of commons, in general, and to a member thereof (Mr. Selden) employed in their service, in particular. And, in his introduction, to intimate how far it is from this house to do any thing, which might interrupt the good amity and correspondency between both houses.'

Sir Rob. Philipps, being returned from the lords, reported, That their Answer was; '1st, a signification of the desire their lordships had to continue, and, if possible, increase the good correspondency between both houses: that they had presently taken consideration of the Message; and that the earl of Suffolk had there, openly, protested, 'Upon his honour and soul, he had used no such words to sir J. Strangewayes.'—But this did not satisfy the commons; a select committee was instantly appointed to consider of the words, and make further di-quisition of the proof, and all incidents thereto, with power to send for any witnesses.

April 15. Sir J. Strangewayes publickly avowed the words he had charged the earl with the day before; and said, 'That he positively spake them; and that he was ready to make good the same, in any course the house should be pleased to direct, either as a member of it, or a gentleman of honour.' Sir W. Owen stood up and said, 'That yesterday sir Christ. Neville told him, that he heard the earl of Suffolk speak the same words, which sir J. Strangewayes charged upon him.'—Referred to the former committee.

April 17. Sir John Elliot, from the said committee, reported, 'That sir Christ. Neville had testified before them, that, on the 12th inst. he was at a committee of the lords, when the earl of Suffolk told him, that Mr. Attorney had cleared the business, and made the cause plain on the king's side; and further said, 'That Mr. Selden had razed a record, and did deserve to be hanged; and this house would do well to join with the lords in a petition to the king to hang him.' And added, 'That Mr. Selden went about to divide the king and his people.' Upon expostulation, the earl did again justify, 'That Mr. Selden had razed a record. 'That Mr. Littleton, being examined, said, 'That he stood not very near my lord, but heard thus much, which he said, that he would not be in Mr. Selden's case for 10,000*l.* and that he deserved to be hanged.'—These, and some other strong circumstances, too long to insert, brought the committee to the following Resolutions; 1. 'That the earl of Suffolk, notwithstanding his denial, had laid a most unjust and scandalous imputation on Mr. Selden and the house. 2. That they are fully satisfied, that sir J. Strangewayes asserted nothing but truth. 3. That these particulars should be presented to the lords, and the earl again charged at the bar; and that the lords should be desired to proceed in justice against him; and to inflict such punishment upon him as so high an offence against the house of commons doth deserve.' Which Resolutions were agreed unto by the whole house.—Sir John Elliot was immediately sent up to charge the earl of Suffolk, at the bar of the lords, with the words, in the manner aforesaid; who returning, said, 'That they would take it into due consideration, and return answer by messengers of their own.' And this is all we hear of the matter in the house of commons.—This charge against the earl of Suffolk is also entered in the lords Journals; and carried as far as sir John Elliot's Remonstrance to them on that subject, and their Answer; but, it is probable that, by some compromise after, the matter was dropped, for we meet with no more about it.

The Proceedings in the King's Bench against the Gentlemen imprisoned for refusing the Loan, inquired into.] April 14. The lords resumed the grand debate concerning the Liberty of the Subject; when the judges of the king's bench attended, according to an order of the 8th, to give an account of the Reasons of their Judgment, in the case of the gentlemen imprisoned by the king's order, for refusing the Loan; which the commons had complained of—hereupon.

The *Chief Justice** said, 'That they were prepared to obey their lordships command; but desired to be advised by them, whether they, being sworn upon penalty of forfeiting body, lands, and goods into the king's hands, to give an account to him, may do this without warrant from his maj.'

The duke of *Buckingham* said, 'He had acquainted the king with the business, and, for ought he knoweth, he is well content therewith: but, for better assurance, he had sent his brother Anglesey to know his maj.'s pleasure.'

The earl of *Devonshire* answered, 'If a complaint be made by a mean man against the greatest officer in this place, he is to give an account of his doings to this house.'

The bishop of *Lincoln*† said, 'This motion proceeded from him, and he took it for clear, that there is an appeal even from the chancery, which is a higher court than the king's bench; and that court hath ever given an account of their doings.'

The lord *Saye* wondered there should be any question made of this business; because, in his opinion, this being the highest court, did admit of no appeal.

The *Lord President*‡ said, 'The Judges did not do this by way of appeal, but as the most common way for them; this being a matter concerning the king's prerogative.'

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* Sir Nicholas Hide, so appointed on the removal of sir Randolph Crew, for refusing to forward the Loan.—Rushworth tells us, that he owed this advancement to his being employed in drawing up the duke of Buckingham's Answer to the Impeachment of the Commons, see p. 167.

† Dr. John Williams, formerly lord-keeper.

‡ The earl of Manchester, formerly lord chief justice of the king's bench.

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The lord *Saye* answered, 'If they will not declare themselves, we must take into consideration the point of our privilege.'

The duke of *Buckingham* replied, 'This was not done by the judges, as fearing to answer; but out of respect to the king: and now his brother Anglesey was come with answer from the king, that they might proceed.'*

The Judges give the Reasons of their Conduct.] Hereupon, Mr. Justice *Whitlock* said, 'My lords, We are, by your appointment, here ready to clear an aspersion of the house of commons, that the Subject was greatly wounded in the Judgment lately given in the King's Bench. If such a thing were, your lordships, not they, have the power to question and judge the same: but, my lords, I say there was no judgment given, whereby either the prerogative might be inlarged, or the right of the subject trenched upon. It is true, in Michaelmas Term last, 5 gentlemen petitioned for a Habeas Corpus, which they obtained, and counsel was assigned unto them†. The return was per specialem mandatum domini regis; which likewise was made known unto us under the hands of 18 privy counsellors.—Now, my lords, if we had delivered them presently upon this, it must have been because the king did not shew cause; wherein we should have judged the king had done wrong, and this is beyond our knowledge; for he might have committed them for other matters than we could have imagined. But they might say, They might have thus been kept in prison all their days. I answer, no, but we did remit them, that we might better advise of the matter; and they the next day might have had a new writ, if they had pleased. But they say, We ought not to have denied bail. I answer if we had done so, it must needs have reflected upon the king that he had unjustly imprisoned them: and it appears in Dyer, 2 Eliz. that divers gentlemen being committed, and requiring Habeas Corpus, some were bailed, others remitted; whereby it appears much is left to the discretion of the judges.—For that which troubleth so much, remittitur quousque, this, my lords, was only, as I said before, to take time what to do: and whereas they will have a difference betwixt remittitur, and remittitur quousque, I confess I can find none: these are only new inventions to trouble old records. Herein we have dealt with knowledge and understanding; for had we given a judgment, the party must thereupon have rested; every judgment must come to an issue, in matter of fact, or demur in point of law; here is neither; therefore no judgment. As for endeavouring to have a judgment entered: it is true Mr. Attorney pressed the same for his master's service; but we, being sworne to do right betwixt the king and his subjects, commanded the clerk to make no entry, but according to the old form: and the rule was given by the chief justice alone. I did never see nor know, by any record, that, upon such a return as this, a man was bailed; the king not being first consulted with, in such a case as this. The commons do not know what letters and commands we receive; for these remain in our court, and were not viewed by them: and for the rest of the matters, presented by the commons, they were not in agitation before us, 'Whether the king may commit; and how long he may detain a man committed.' Therefore, having answered so much as concerneth us, I desire your lordships good construction of what hath been said."

Mr. Justice *Jones*.—"My lords, We are here to deliver what judgment was given by us concerning the Habeas Corpus; to which I answer, no judgment was given; and the matter of fact was such as my brother hath already delivered unto you. These gentlemen were committed to the Fleet, the Gate-house, and to the Marshal of the king's houshold: returns were made upon the writs, and counsel appointed, who had copies of the returns: a rule was granted, and their counsel heard; but exception was taken to the return, because it did not shew the cause of their caption. This was of no force in the opinion of the judges. The next exception was, because no cause of their commitment was shewn; which the judges held to be all one in point of law.—Then, my lords, they alledged many precedents and statutes, which the king's attorney answered, 'That persons committed by the king or council, were never bailed, but his pleasure was first known.' We agreed, at the chamber of the chief justice, that all the statutes alledged are in force; but whether we should bail them or no, was the question; therefore we remitted them quousque. After which Mr. Attorney required a judgment might be entered. I commanded the clerk he should not suffer any such thing to be done, because we would be better advised.—But some will say, our act is otherwise; I answer, no; for we have done no more than we do upon ordinary writs, when we purpose to be better advised, and that was only an interlocutory order. But, put the case a Habeas Corpus should be granted for one that is committed by the commons, would they, think you, take it well we should be bailed at his first coming to the court? I think they would not: and I think the king would not in this case.—Now, my lords, there is a Petition of Right; and a Petition of Grace: to be bailed is a matter of grace; therefore if a man be brought upon an H. Corpus, and not bailed, he cannot say the court hath done him any wrong. I have now served 7 years judge in

* The account of this debate, and the Speeches of the 4 judges, are in the 'Ephemeris Parliamentaria,' Two of them, only, are in Rushworth; for which Dr. Nalson charges him with great partiality. We have chosen to copy sir John Napier's MS. which is much more correct.

† Sir Thomas Darnel, sir John Heveningham, sir Walter Earl, sir Edward Hampden, and sir John Corbet.

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this court, and my conscience beareth me witness that I have not wronged the same. I have been thought sometimes too forward for the liberty of the subject. I am myself liber homo, and my ancestors gave their voice with Magna Charta. I enjoy that house still which they did. I do not, now, mean to draw down God's wrath upon my posterity; and therefore I will neither advance the king's prerogative, nor lessen the Liberty of the Subject, to the danger of either king or people. This is my profession before God and your lordships."

Mr. Justice *Dodderidge*.—"My Lords; It is no more fit for a judge to decline to give an account of his doings, than for a Christian of his faith. God knoweth, I have endeavoured always to keep a good conscience; for a troubled one, who can bear? The king holds of none but God; and judgments do not pass privately in chambers, but publickly in court, where every one may hear; which causeth judgment to be given with maturity. You have heard the particulars delivered by my brethren: how that counsel being assigned to 4 of these gentlemen, in the latter end of Michaelmas term, their cause received a hearing: and, upon consideration of the statutes and records, we found some of them to be according to the good old law of Magna Charta; but we thought that they did not come so close to this case, as that bail should be thereupon, presently, granted. My lords, the Habeas Corpus consisteth of 3 parts, the writ, the return upon the writ or schedule, and the entry or rule reciting the H. Corpus: and on the return together with the opinion of the court, either a remittitur, or traditur in ballium is granted. In this case a remittitur was granted; which we did, that we might take better advisement upon the case: and upon the remittitur, they might have had a new writ the next day; and I wish they had; because, it may be, they had seen more, and we had been eased of a great labour. And when the attorney, upon the remittitur, pressed an entry, we all straitly charged the clerk that he should make no other entry than such as our predecessors had usually made, in like cases: as for any difference, betwixt remittitur and remittitur quousque, I could never yet find any. I have now sat in this court 15 years, and I should know something: surely if I had gone in a mill so long, dust would cleave to my cloaths. I am old, and have one foot in the grave, therefore I will look to the better part as near as I can. But 'omnia habere in memoria, et in nullo errare, divinum potius est quam humanum."

The *Lord Chief Justice*.—"My Lords, I shall not speak with confidence, unless I might stand right in the opinion of the house. I protest what I spake before was not said, by me, with any purpose to trench upon the privileges of this house; but out of that respect which, by my place, I thought I owed to the king. Concerning the point now to be spoken to, I shall not trouble you with things already repeated, wherein I concurred with my brethren. If it were true, the king might not commit, we did wrong in not presently delivering; for, these statutes and good laws being all in force, we meant not to trench upon any of them; most of them being commentaries upon Magna Charta: but I know not any statute that goeth so far, that the king may not commit. Therefore justly, we think, we delivered the interpretation thereof to that purpose: for, my lords, lex terræ is not to be found in this statute; they gave me no example, neither was there any cause shewed in the return. A precedent that hath run in a storm, doth not much direct us in point of law; and records are the best testimonies. These precedents, which they brought, being read, we shewed them wherein they were mistaken. If we have erred, erravimus cum patribus; and they can shew no precedent, but that our predecessors have done as we have done; sometimes bailing, sometimes remitting, sometimes discharging. Yet we do never bail any committed by the king, or his council, till his pleasure be first known: and thus did the lord chief justice Coke in Raynard's case. They say, This would have been done, if the king had not written; but why then was the letter read, and published, and kept? and why was the town-clerk sent carefully to inquire (because the letter so directed) whether these men offered for bail were Subsidy-men? The letter sheweth also that Beckwith was committed for suspicion of being acquainted with the Gunpowder-Treason; but, no proof being produced, the king left him to be bailed."—The Judges having ended,* the lords adjourned.

Report of a second Conference between both Houses concerning the Liberty of the Subject.] April 17. The matter was argued very solemnly at a conference between the two houses, by the attorney general and the king's counsel on one side, and a select committee of the commons on the other. We shall give the report of this conference at length, from the authority of the lords Journals.

"The LORD-KEEPER's† REPORT of the First Part of the CONFERENCE between the Lords and Commons, on the 17th of April, concerning the LIBERTY of the SUBJECT."

"At this conference Mr. Attorney declared, That, as, by commandment of the lords, himself, and his fellows of the learned counsel, advised together, and by him had declared in this house what was conceived fitting; so upon a new commandment, they had again advised and conferred; shewing, at this conference, the effect of what was delivered in the house; which, in substance, rested upon these parts. 1. The State of the Question. 2. Acts of Par-

* An order was made that these Speeches of the Judges should not be entered in the Journals; probably, to prevent their being drawn into precedent.

† Thomas Lord Coventry.

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liament, and parliamentary Proceedings. 3. Precedents. 4. Resolutions of former times. 5. Some Reasons offered to maintain this side, and weaken the other.—In these, by their advice, he resolved not to pass from point to point; but, according to the time and occasion, to touch some parts summarily, and to insist chiefly upon one, viz. The Precedents for the parliamentary Proceedings. He agreed, that the great Charter, upon which the liberty of the free subjects of this kingdom is grounded, is in force; and that, in former times, occasions were often given to the subject to press it to be confirmed; and that the commons did fitly and worthily to maintain the liberties and privileges left unto them by their ancestors.—He did also acknowledge, 'That this charter did extend to the king, rather than the subject; and that the subsequent statutes, 6 in number, stand in force; but the difference and doubt rested in the interpretation and application of the statute: for the words of Magna Charta are general; that it did not restrain the king from imprisoning a subject; but with this clause, 'Nisi per legale judicium parium suorum, vel per legem terræ:' and how far lex terræ extends, is, and ever was the question. Of the subsequent statutes, some confirm Magna Charta in totidem verbis; and therefore decide not the question, but leave it as they found it; so that to ground any arguments on them will be but petitio principii; and the others concern not the question now in hand, but were made for redress of inconveniences happening to the subjects, by the suggestion or information of parties; but this he submitted to the house.—In the court of king's bench the judges did not meddle with the statutes, but did ground themselves upon resolutions and precedents; which he would now repeat, and leave the difference to both houses. We have directed the records to be here; and if it shall seem good to you, we desire that we may read or open what is in the Declaration of the commons touching each record; and then read the record itself, and open what we have to say therein. The 1st Precedent is, That John Biddleston, a clergyman, by a writ under the great seal, was committed to the Tower, with commandment to keep him safely, 'donec aliter a nobis habueritis in mandatis.' From the Tower he was brought to the King's-bench, and committed to the marshal. And the lieutenant asked him, If he had any other cause against him? who said, No; but the king's writ only: 'Et quia videtur curiæ per breve prædict, quod non est sufficiens causa, &c.' ideo he was bailed.—To this he answered, 1st, That this writ bears date in March, 16 Ed. 3. and commands to receive John Biddleston from the sheriffs of London, to whom he was formerly committed in the writ: and as there is neither general nor special cause, nor yet any mention upon what warrant or command he was committed to the sheriffs of London; so it is true, that dimittitur per manucaptionem: and thus far it seems to make for the other side. But, it appears that this writ was not an original commitment; but a transferring and removing of the prisoner from one custody to another. 2dly, It appears he lay 2 years in the Tower, viz. from 16 till 18 Ed. 3, before he came to the King's-bench. 3dly, 'It appears, in another part of the same record, That the cause of commitment was for suspicion of counterfeiting the great seal; and he was brought to the King's-bench for that cause: for being bailed, and at the day, coming in upon his bail, there came another writ to the justices, which Mr. Attorney read out of the record; which recited, That the king had caused him to be brought to the King's-bench, for suspicion of counterfeiting the great seal, 'quousque per quondam informationem plenius informemur. And because the informer came not, the writ commands the judges, that if he came not by quind. then adventuram ejus non expectare, but proceed according to law: so that, although in a record so antient, it is difficult to find out all material parts, yet by this writ, the cause of the commitment appears; and when the cause appears and is such whereupon the King's-bench may proceed, they must go on according to justice. It appears by this writ, that he was committed upon the suggestion of an informer; and observe the time; for it seems that about 5 Edw. 3. and forward, these informers began to be too frequent; and therefore care was taken to relieve the subject against those inconveniences; which, growing more and more, were after complained of in parliament'—Here Mr. Attorney staid; and after a little pause upon settling whether the lower house would answer particularly to each Precedent, or take all together,

Sir *Edw. Coke* began thus:—'Your lordships have well perceived how fairly, and with what respect, we have dealt with you, and ever shall. We brought up unto you what we had resolved on; and not only that, but the cause and grounds of our resolutions, and all our records; the like whereof was never done in parliament: and we are to maintain what we did. The natural and the politic body have a great resemblance and proportion: and as the natural body hath symptoms of good or evil health, so we hold it a good symptom for us, that Mr. Attorney was so long and so loth to come to it. My lords, we will break order rather than defer the business. This conference is between the two houses. Mr. Attorney is no member of your house: he attends you; but his voice is with us: yet we are so willing to proceed, that we will take no hold of threads: let him say what he can, we will allow him a voice here, where he ought not to speak. We have delegatam potestatem, tantum permissam, quantum commissam; and therefore, for all new matter of this conference, we come with ears, not with tongues. For the resolutions of the judges, we are glad of them; and we are confident never a judge in England will be against what we have resolved. We can say nothing to it; it is new matter; but we will report it faithfully to our house.—

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Quintilian, a notable rhetorician, for so he was indeed, and taught the rules best, speaks of 'simulatio.' It is a figure of rhetoric; and, says he, 'simulatio procedit ut quod dicendo refutare non possimus id tanquam fastidiendo calcitremus.' Methinks Mr. Attorney has made use of this simulatio, and hath slighted the acts of parliament; and therefore we desire they may be read.'—Here being told by the lord-keeper, That the acts of parl. were well known, and had been all read in our house, he replied, 'I cannot tell, nescio quid energiæ habeat viva vox: alas! Litera occidit, spiritus autem vivificat. To slight these, is tanquam fastidiendo calcitrare:' and so pressed on that the acts of parl. might be read and opened. And thereupon began

Mr. *Littleton*. 'It is agreed by Mr. Attorney, and resolved by the judges, that the acts of parl. are all in force; and that the statute of Magna Charta concerns the king as well as the subject; nay, the king rather than the subject: the exposition makes all the matter; and chiefly of these words, legem terræ; which if they bear not the exposition which we have given them, I would gladly have heard from Mr. Attorney another exposition. I will prove our exposition by reason: for if these words, legem terræ, should be extended to the general law of the land, then it should extend to villains, who, by the law of the land, may be imprisoned by their lords without any cause; but so cannot a freeman. But I need not insist upon reason, the exposition is so clear by the ensuing statutes.' And reading the words of the statute 25 Ed. 3. 'By this it appears, that what in Magna Charta is called lex terræ, in the statute of 28 Ed. 3. is called 'process of the law.' And where Mr. Attorney said the words were general, they are as express as any man can pen them in this age; and where he said, that the ensuing statutes extend to imprisonment, upon suggestion of parties, it is equal whether the king do it of himself, or by suggestion of others: but kings seldom do those things merely of themselves; but as things proceeding from some man's suggestion.' Then reading the statute 5 Edw. 3. he said, 'None would doubt but 'attaching' in that statute, was attaching the body.' And reading the statute 28 Ed. 3. without any special inference upon it, he read 36 Ed. 3. Rot. Parl. No. 9.

"The LORD PRESIDENT'S REPORT of the Second Part of the CONFERENCE.

"Mr. Littleton read divers of the statutes, which he cited in the former conference, which was reported here on the 9th of April, and made the same inferences therefrom; and Mr. Attorney delivered another Answer unto the same than what he had formerly made; which he left to the judgment of the lords.—Then Mr. Attorney made his objections to the precedents, alledged by Mr. Selden on behalf of the commons; and Mr. Selden gave several answers unto the same in this manner:

"To the First of the 12 Precedents, produced by the commons, to prove their Resolutions, in the Case of John Biddleston, Pasch. 18 Edw. 3. Rot. 33. Rex. To this Mr. Attorney objected. 1. 'That in the return of him into the court, it did not appear that this Biddleston was committed by the king's command: and, 2. That in the record it did appear also, that he had been committed for suspicion of counterfeiting the great seal; and so by consequence was bailable in the law, in regard there appeared cause why he was committed. And he said, That this part of the record, by which it appeared he had been committed for this suspicion, was not observed to the lords in the argument of the commons before used. And he shewed also that there were 3 several kinds of records, by which the full truth of every award or bailing, upon a Habeas Corpus, is known. 1. The remembrance-roll, wherein the award is given. 2dly, The file of the writ, and the return. And 3dly, The scrute-roll, or scrute-file, wherein the bail is entered; and that only the remembrance-roll of this case was to be found; and that if the other two were extant, he doubted not but that it would appear also upon the return itself, that the cause of the commitment had been expressed.' And so he concluded, That this proved not for the Resolution of the commons, touching the manner of bail, where a prisoner was committed by the king's special command, without cause shewed.

To these Objections Mr. *Selden* replied thus: 1st, 'That it was plain that Biddleston was committed by the king's express command; for so are the very words in the writ to the constable of the Tower, 'quod eum teneri & custodiri facias,' &c. than which nothing can more fully express a commitment by the king's command. 2dly, Howsoever it be true, that in the latter part of the record it does appear, That Biddleston had been committed for the suspicion of treason; yet, if the times of the proceedings, expressed in the record, were observed, it would be plain, that the objection was of no force: for this one ground, both in this case and all the rest, is infallible, and never to be doubted of in the law, that the justices of every court adjudge of the force or strength of a return out of the body of itself only, and according as it therein appears to them. Now in Easter Term, 18 Ed. 3. he was returned and brought before them as committed only by that writ, wherein no cause is expressed; and the lieutenant or the constable of the Tower of London, that brought him into the court, says, that he had no other warrant to detain him, nisi breve prædictum, wherein there was no mention of any cause; and the court, thereupon, adjudged, that breve prædictum, or that special command was not sufficient cause to detain him in prison: and thereupon he is, by judgment of the court in Easter Term, let to main-prize. But that part of the record, wherein it appears that he had indeed been committed for suspicion of treason, is of Trinity Term following; when the king, after the letting to main-prize, sent to the

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judges that they should discharge his main-prize, because no man prosecuted him. And at that time it appears, but not before, that he had been in for suspicion of treason; so that he was returned to stand committed by the king's special command only, without cause shewed in Easter Term; and then, by judgment of the court, let to main-prize; which, to the present purpose, is but the same with bail, though otherwise it differ. And, in the term following, upon another occasion, the court knew that he had been committed for suspicion of treason; which hath no relation at all to the letting of him to mainprize, nor to the judgment of the court, before given; when they did not, nor could not possibly know any cause for which the king had committed him." —And Mr. Selden said, in behalf of the commons, 'That they had not, indeed, in their argument, expressly used this latter part of the record of Biddleston's case, because it being only of Trinity Term following, it could not concern the reason of an award given by the court in Easter Term next before. Yet, notwithstanding, that they had most faithfully, at the time of their argument, delivered in to the lords a perfect copy, at large, of the whole record of this case: as they had done also of all other precedents whatsoever cited by them. And, as touching those 3 kinds of record, Mr. Selden answered, that it was true that the scrute and return of this case of Biddleston was not to be found; but that it did not lessen the weight of the precedent, because always in the award or judgment drawn up in the remembrance roll, the cause, whatsoever it be, when any is shewed upon the return, is always expressed: as it appears clearly by the constant entries of the court of King's-bench. So that if any cause had appeared to the court, it must have appeared plainly in that part of the roll which belongs to Easter Term, wherein the judgment was given. But the return of the commitment, by the king's command, without cause shewed; and the judgment of court, that the prisoner was to be let to mainprize, appears therein only: therefore, notwithstanding any objection made by Mr. Attorney, Mr. Selden affirmed this case to be a clear proof, amongst many others, touching that resolution of the commons."

"To the Second, which was Parker's case in 22 Hen. 8. rot. 37. Mr. Attorney's Objections were, 1. 'That it is true, that he was returned to be committed 'per mandatum domini regis;' but that it appeared that this command was certified to the sheriffs of London by one Peck. And that in regard the command came no otherwise, the return was held insufficient: and therefore he was bailed. 2. That it appears also in the record, that he was committed 'pro suspicione felonie, ac per mandatum domini regis;' so that in regard that, in the expression of the causes of this commitment, suspicion of felony precedes the command of the king, therefore, it must be intended that the court took the cause, why the king committed him to be of less moment than felony; and therefore bailed him. For he objected, that even the commons themselves in some arguments used by them, touching the interpretation of the Statute of Westminster the First, ch. 15, about this point, had confirmed that, in enumeration of particulars, those of greatest nature were first mentioned; and it was supposed, that such as followed are, usually, of less nature or moment.—Mr. Selden replied to the first Objection, 'That the addition of the certifying the king's command by Peck, altered not the case. 1st. Because the sheriffs, in their return, took notice of the command, as what they were assured of; and then, howsoever it came to them, it was of equal force, as if it had been mentioned without reference. 2. That as divers patents passed the great seal by writ of privy seal, and are subscribed 'per breve de privato sigillo, so divers 'per ipsum regem,' and are so subscribed: and often times, in the roll of former times, to the words per ipsum regem are added nunciat A. B. So that the king's command generally, and the king's command related or certified by such a man to this purpose, is of like nature. 3. In the late great case of the Habeas Corpus, where the return of the commitment was 'per speciale mandatum domini regis, mihi significatum per dominos de privato consilio;' the court of King's-bench did agree that it was the same, and of like force as if 'mihi significatum, &c. had not followed, and that those words were void. According whereunto, here also 'per mandatum domini regis nunciat. per R. Peck,' was to be taken as if 'nunciat. per R. Peck, had been wholly omitted, and void.—Likewise, and in truth, in that late case, this case of Parker was cited both at the bar and bench; and at the bench, it was interpreted by the judges no otherwise than if it had been only 'per mandatum domini regis' in this place of it.—But the objection made there was of another kind; as now delivered in the first argument made out of the precedents, in behalf of the commons. Then for the second, touching the course of enumeration of the causes in the return; Mr. Selden said, That, howsoever in some acts of parl. and elsewhere in the solemn expressions used in the law, things of greater nature precede and the less follow; yet in this case the contrary was most plain; for in the return, it appears that there were 3 causes of detaining the prisoner; surety of the peace, suspicion of felony, and the king's command: and surety of the peace is first mentioned, which is plainly less than felony. Therefore it is as plain (if any force of argument be here to be taken from this enumeration) that the contrary to that, which Mr. Attorney inferred, is to be concluded: that is, as felony is a greater cause than surety of the peace, so the matter, whereupon the king's command was grounded, was greater than felony: but, in truth, this kind of argument holds neither way here; and whatsoever the cause was, why the king committed him, it was

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impossible for the court to know; and it might also have been of very high moment, in a matter of state, and yet of far less nature than felony: all which shews this precedent hath its full force also, according as it was first used in argument by the commons.

"To the Third, which is Brink's case, 35 Hen. 8. rot. 33. the objection by Mr. Attorney was, 'That there was a cause expressed 'pro suspicione felonie,' and though 'pro aliis causis illos moventibus' were added in the return, yet because, in the course of enumeration, the general name of 'alia,' coming after particulars, includes things of less nature than the particular doth: therefore, in this case, suspicion of felony being the first, the other causes, afterwards generally mentioned, must be intended of a less nature; for which the prisoner was bailable; because he was bailable for the greater, which was suspicion of felony.'—Hereto Mr. Selden replied, 'That the argument of enumeration in these cases is of no moment, as is next before shewed; and that, although it were of any moment, yet the 'alia causa,' though less than felony, might be of very great consequence in matter of state, which is pretended, usually, upon general returns of command without cause shewed: and it is most plain that the court could not know the reasons why the prisoner here was committed; and yet they bailed him, without looking further after any unknown thing, under that title of matters of state, which as well might have been in this case as in any other whatsoever.'—[The Objections made by Mr. Attorney against the 4th, 5th, 6th, and 7th Precedents, alledged by the House of Commons in favour of their Resolutions, with Mr. Selden's Answers thereto, are omitted in the Journals.]

"To the Eighth, which is Browning's Case, 20 Eliz. rot. 72, it was said by Mr. Attorney, 'That he was bailed by a letter from the lords of the council, directed to the judges of the court: but being asked for that letter or any testimony of it, he could produce none at all: but said, he thought the testimony of it was burnt among many other things of the council-table, at the burning of the banqueting house. To the Ninth, being Harcourt's Case, 40 Eliz. rot. 62, the self-same objection was made by him, but no warrant was shewed. To the Tenth, which is Catesby's Case in Hillary vacation, 13 Eliz. Mr. Attorney said, 'That it was by direction of a privy seal from the queen: and to that purpose, he shewed the privy seal of 43 Eliz. which is at large amongst the transcripts of the records, concerning bails taken in cases where the king or lords of the council assented.'—But Mr. Selden replied, 'That the privy seal was made only for some particular gentlemen mentioned in it, and for none other, as indeed appears just; and then Mr. S. said, that it was likely that Catesby here had a privy seal in his behalf, because those others had so.'

"To the Eleventh of these, which is Beckwith's Case, 12 Jac. rot. 153, Mr. Attorney said, 'The lords of the council sent letters to the court of the King's-bench to bail him; and he produced a letter, which could not be found when the arguments were made at the first conference.'—To this Mr. Selden replied, 'That the letter was of no moment, being only a direction to the chief justice, and no matter of record, nor any way concerning the rest of the judges; and, besides, either the prisoner was bailable by law, or not bailable; if bailable by the law, then he was to be bailed without any such letter; if not bailable by the law, then plainly the judges could not have bailed him upon the letter without breach of their oath; which is, that they are to do justice, according to the law, without having respect to any command whatsoever. So that the letter in this case, or the like in any other case, is, for point of law, to no purpose, nor hath any weight at all, by way of objection, against what the record and judgment of the court shew us."

"To the Twelfth and last of these, which is sir Tho. Mounson's case, 14 Jac. rot. 147. the same objection was made over again by him, which was moved and answered in the argument at the first Conference; and that one ground which is infallible, that the judgment upon a return is to be made out only of what appears in the body of the return itself, was again insisted upon by Mr. Selden, in this case; as it was also in most of the rest.

"After Mr. Attorney's Objections to these 12 Precedents, and the Replies given to those objections, Mr. Attorney came next to those, where the assent of the king or the privy-council appears to have been given to an enlargement: and he made the same kind of objections as are moved and answered before: and, for so much as concerns letters of assent or direction; the same was here said again, by way of reply to him as before, touching the letter in Beckwith's case."

"The Earl of HERTFORD's REPORT of the Third Part of the CONFERENCE.

"After Mr. Attorney had made his Objections, and the gentlemen of the commons house their Answer, to what had been said touching the 12 Precedents, brought all for express testimonies, for the maintenance of the Resolution of the commons; and after the gentlemen of the commons had given their Answer to that which was objected, out of such precedents as shew some assent of the king's attorney, or of the lords of the council, to the bailing of prisoners committed by such special command: Mr. Attorney came to urge the 8 precedents for the other side against that resolution; which 8 were mentioned, and copies of them given in at the first conference.

"Of these 8, the first four were urged by Mr. Attorney, as being of one kind; the difference of them being only such, that saving the names of the persons and prisons, they are but one and the self-same. The force of these 4 he objected thus: 'That Everard, for the purpose in the first of them, which is 5 Hen. 7.

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rot. 18. Cherry, in the 2nd of them, which is 8 Hen. 7. rot. 12. Burton, in the 3rd of them, which is 9 Hen. 7. rot. 14. and Urswick, in the 4th of them, which is 19 Hen. 7. rot. 23. were returned into the King's-bench upon several writs of Habeas Corpus, to have been committed and detained in the several prisons whence they came, per mandatum domini regis; and that, upon that return, they were committed to the marshal of the King's-bench: and that however it hath been objected against these 4 precedents, that this kind of commitment, by the course of that court, was always done before the bailing of the prisoners, yet that it did not appear that they were bailed.—Mr. Selden's Answer to this objection was, 'That by the constant course of the King's-bench, whosoever came by Habeas Corpus, or otherwise upon any writ, into that court, cannot be bailed until he be first committed to the marshal of that court; and that thence it was that all these 4 were committed to the marshal, as appears by the entry, 'qui committitur marescallo,' &c. which is the usual entry in such a case; and that all the clerks of that court acknowledge this course of entry to be most constant and perpetual: so that all the inference that can be made out of these 4 is but this, that 4 prisoners being brought from several prisons, by Habeas Corpus, into the King's-bench, and returned to stand committed 'per mandatum domini regis,' were so far from being remanded by the law; that in all these 4 cases, they were first taken from the several prisons, wherein they had been detained by such a general command; which could not have been, if they had not been adjudged in every of these cases to have been bailable by the court: and that this commitment of them to the marshal of the King's-bench, was the first step towards the bailing of them, as in all other cases: but that it appears not, that either they ever demanded to be bailed, or that they were able to find sufficient bail: and if they did not the one, nor could do the other, it might follow indeed, that they were not bailed; but this commitment to the King's-bench, being the first step to the bailing of them, (as by the constant course it is) shews most plainly that they were bailable by the law; which is the only thing in question."

"To the 5th of these 8 being Page's Case, in 7 Hen. 8. rot. 23. Mr. Attorney objected thus: 'That Page was committed to the marshal of the houshold 'per mandatum domini regis, ibidem salvo custodiendo, &c. qui committitur marescallo hospitii domini regis;' by which it appears, as he said, that the court remanded him to the prison of the Marshalsea of the houshold. And he said, 'That whereas it had been objected at the first conference, that there was some mistake in the entry, he said, he conceived indeed there was a mistake; and that the mistake was, that the clerk had entered 'committitur' for 'remittitur;' and that it should have been, 'Qui remittitur marescallo hospitii domini regis;' for whenever they remand the prisoner 'remittitur' and not 'committitur should be entered: and that mistake being so rectified and understood, he conceived that it was a direct precedent against the Resolution of the commons.'—To this Mr. Selden answered, 'That there was no doubt indeed but that a mistake was in the entry by the clerk; but that the mistake was quite of another nature: the addition of these words, 'hospitii domini regis' was the mistake; and the entry should have been, 'Qui committitur marescallo,' &c. only: that is, he was committed to the marshal of the King's-bench. And so indeed the force of this precedent should be but just the same with the first 4. But that the ignorance of the clerk that entered it, and knew not how to distinguish between the marshal of the king's household, and the marshal of the King's-bench, was the cause of the addition of those words, 'hospitii domini regis.'—And to confirm fully this kind of interpretation of that precedent, and of the mistake in it, Mr. Selden observed, 'That there is, in the margin of the roll, an infallible character that justifies as much; for, by the course of that court, whensoever a prisoner is committed to the marshal of the King's-bench, and not remanded, the word marescallo is written by *Ma* and *r* turned up; and that it is never written there, but when the meaning and sense of the entry is, that the prisoner is committed to the prison of the same court.—Now, in this case, in the margin, *Ma* and the *r* turned up is likewise written; which most clearly shews, that the truth of the case was, that this Page was committed to the marshal of the King's bench, and not remanded; for if he had been remanded, neither could the entry have been committitur, nor should the margin of the roll have had marescallo written in it."

"To the sixth of these 8 precedents, being the case of Cæsar, in 8 Jac. rot. 99. Mr. Attorney objected thus: 'That Cæsar, being committed 'per mandatum domini regis' to the Marshalsea of the houshold, was returned upon Habeas Corpus to be so committed, and therefore detained in prison; and therefore the entry is, 'qui remittitur prisonæ marescalli prædict;' by which it appears clearly, that he was remanded to the same prison from whence he came.' To this Mr. Selden answered, 'The usual entry of a remittitur, when it is to shew that the court, by way of judgment or award, upon resolution or debate, remanded the prisoner, is 'remittitur quousque,' &c. which is 'remittitur quousque secundum legem deliberatus fuerit:' But when they advise, or give day to the keeper of the prison to amend his return or the like, then the entry is only remittitur generally, or remittitur prisonæ prædictæ. Though it was indeed affirmed by Keeling, a clerk of experience in that court, that the entry of 'remittitur' generally, or 'remittitur prisonæ prædictæ,' was indifferently used for the same, that is 'remittitur quousque, &c.' yet it was expressly shewed by Mr. Selden, that there was sometimes a difference, and that so it might well be in this case: for in the last of these 8 precedents, which is

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Saltonstall's case, he observed, 'That remittitur prisonæ prædictæ is often used; and, in that case, it is plain that twice it was used only for a remanding during the time which the court gave to the warden of the Fleet to amend his return; which shews plainly, as it was said, that although sometimes 'remittitur,' generally, and 'remittitur quousque' may mean but the same, yet sometimes also it does not mean the same: and that, in this case of Cæsar, it intends but so much as it doth, twice, in Saltonstall's case. This they proved also by a rule of the court, which they cited out of the rule-book of the King's-bench: by which rule the court expressly ordered, That, unless the steward and marshal of the houshold did sufficiently return the writ of H. Corpus for Cæsar, he should be discharged. And this was the opinion of the court; which shews, that the court was so far from remanding him upon the return, that they resolved, unless some better return was made, the prisoner should be discharged of his first imprisonment; though it appeared to them, out of the body of the return, upon which they are only to judge, that he was committed 'per mandatum domini regis' only.

"The seventh is the Case of Demetrius, 12 Jac. rot. 153. Mr. Attorney objected, That this Demetrius and divers others, being brewers, stood committed per mandatum domini regis to the marshalsea of the houshold; but that, upon the H. Corpus being so generally returned, they were remanded; and that the entry was 'immediate remittitur prefat. marescallo hospitii prædicti;' where he observed, that immediate shews that the judges of that time were so resolved of this question, that they remanded him presently, as men that well knew what the law was therein. Hereto Mr. Selden answered, 1. That the remittitur in this case is but as in the other of Cæsar's, and so proves nothing against them. 2. That immediate shews plainly, that it was done without debate, or any argument or consideration had of it; which makes the authority of the precedent to be of no force in point of law: for judgments and awards given upon deliberation and debate only, are proofs and arguments of weight: and not any sudden act of the court, without debate or deliberation. And the entry of immediate being proposed to Mr. Keeling, it was answered by him, that by that entry it appears, by the course, that the remanding of him was the self-same day that he was brought; which, Mr. Selden said, might be at the rising of the court, or upon advisement, or the like.

"The last of these 8 is Saltonstall's Case, 12 Jac. to which Mr. Attorney objected thus, He was committed 'per mandatum dominorum de privato consilio,' and being returned by the warden of the Fleet to be so, 'remittitur prisonæ prædictæ:' and, in 13 Jac. in the same case, there is 'remittitur' generally in the roll. And these two make but one case, and are as one precedent.—Mr. Selden answered, It is true that the roll hath such entry of 'remittitur' in it generally; but that proves nothing; upon the reason before used by them in Cæsar's case; but also Saltonstall was committed for another cause, besides 'per mandatum dominorum consilii,' viz. for a contempt against an order in chancery; and that was in the return also. And besides, the court, as it appears in the record, gave several days to the warden of the Fleet to amend his return; which they would not have done if they had conceived it sufficient; because that which is sufficient needs not any amendment.—To this Mr. Attorney replied, That they gave him day to amend his return, in respect of that part of it that concerns the order in chancery; and not in respect of that which was per mandatum consilii.—Mr. Selden said, 'This appears no where; nor indeed is it likely at all, nor can be reasonably so understood; because if the other return, 'per mandatum consilii' had been sufficient by itself, then, doubtless, they would have remanded him upon that alone: for then they needed not to have stood at all upon the other part of the return in this case; so that, out of the record itself, it appears fully, that the court conceived the return to be insufficient.

"And so the gentlemen of the house of commons concluded, That they had a great number of precedents, besides the acts of parliament, agreeable to their Resolution, and there was not one made against them; but that even all those brought by Mr. Attorney himself, if rightly understood, made fully for the maintenance of their Resolution. The Objections being thus made by Mr. Attorney, and the Answers by the gentlemen of the commons, the consideration of this, with the rest, was left to your lordships.

"Here Mr. Attorney spake to the house of commons about that order that Keeling, by his appointment, had drawn up; but it was to the same effect that he had spoken to your lordships in the house before. And then, my lord of Devonshire put Mr. Attorney in mind of some things omitted by him, which he had formerly spoken of in this house; which occasioned the conference next day; which I leave to the next two lords, in their order, to report."

These three Reports being ended, the lords agreed to hear the rest, which was to be reported by the earl of Devonshire and the bishop of Lincoln in the afternoon; but not to enter into debate thereof until Monday.

"The Earl of DEVONSHIRE'S REPORT of the Fourth Part of the CONFERENCE with the Commons, concerning the LIBERTY of the SUBJECT.

"This consisted of the arguments made use of by Mr. Attorney-General and by Mr. serjeant Ashley, as of counsel for the king herein. And first, Mr. Attorney (sir Rob. Heath) spake thus:—'My lords, and you the gentlemen of the commons house; according to your lordships directions, yesterday I made some

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relation of part of that which before, upon the like commandment, I had spoken before the lords in their house, upon the occasion of that Declaration, which was sent to the lords from the commons house. The course I then took, was this: after I had first set down the state of the question between us, and spoken somewhat of the statutes, which were mentioned and insisted upon, by that Declaration, to maintain the tenet or proposition of the commons, concerning their personal liberties; I came to the precedents, which were delivered on either side, and opened the reasons and applications of them one by one; and spent that day on that part of the work, as being the most weighty, and that on which my lords the judges of the King's-bench, grounded their resolutions and rule they gave there: that which now remains to be spoken unto, is, the Opinions and Resolutions of the Judges and sages of the law in former times, touching this question; and the reasons, which have been given on either side, to maintain or oppose that which hath been affirmed in this case.—I shall not, willingly, draw you back to any thing which hath been formerly said, but for so much only as is of necessity: for, before we proceed to these parts now to be spoken unto, it will be necessary that I do, clearly and plainly, lay down the true state of the question; that so we may apply the resolutions and reasons ad idem. This, as it is delivered in writing from the commons, stands upon two separate resolutions; but it is fit to join them together, for they make but one entire proposition, and are so linked together, and depend one on the other, as they cannot be severed. The words of this proposition are these, "That no freeman ought to be committed or detained in prison, or otherwise restrained, by command of the king, or the privy-council, or any other; unless some cause of the commitment, detainer, or restraint be expressed; for which, by law, he ought to be committed, detained, or restrained:" And, afterwards, "That if a freeman be committed, or detained in prison, or otherwise restrained, by command of the king, privy-council, or any other; no cause of such commitment, detainer, or restraint being expressed; and the same be returned upon an Habeas Corpus granted for the party; that then he ought to be delivered or bailed." (See p. 259.)—To maintain this as it is propounded; the words of the statute of Magna Charta, cap. 29. are laid down as a foundation, 'nullus liber homo imprisonetur, nisi per judicium parium suorum, vel per legem terræ;' and the 6 subsequent statutes have been read and enforced, as confirmations and explanations of that passage. I shall not draw your lordships back further into the consideration of these statutes, than only to put you in mind that the statute of Magna Charta doth not contain, or express, any definitive words of this declaration: nor hath it any words in it more particular than these, 'nisi per legem terræ.' Therefore, the words being general, they have need of some commentaries, or helps, to expound them.

"It hath been said on the other side, That these subsequent statutes do expound these general words; and that 'per legem terræ' is to be understood 'per debitum legis processum,' i. e. by indictment, presentment or original writ. Surely, this cannot be the true meaning of these laws: for then it must necessarily follow, that no offender could justly and legally be committed, and restrained of his liberty, unless he was first indicted or presented by a jury, or that an original writ be brought against him; which neither is nor ever was, the practice of this kingdom in criminal cases. For then could not a constable, (which is the lowest and yet the antientest officer of the crown) nor a justice of peace, but in these cases only where there is a precise statute to warrant him, either apprehend or commit one to prison, or set a knave in the stocks, for a just suspicion; nay if he was taken, he could not, according to this doctrine, be committed, unless the fact was first presented or found by a jury. I appeal to you all, whether, if this should be held for a direction, I may not truly say, 'In hoc erravimus omnes?' and whether it would not be too late, and utterly in vain, to proceed against offenders, when they must be left at large until the indictment was first found, or presentment made against them? For, surely, they would then provide for themselves, and be gone when they should be proceeded against.—And for a writ original in criminal cases, I profess I know not what it means, if it be not at the suit of the king. Therefore doubtless, there is some other meaning of these words: and that they can be no otherwise understood, but of a legal proceeding to judgment or condemnation: but can, in no wise, be meant of the first commitment, or putting into safe custody, to the end the party accused may be sure to be forth-coming.—But if ye will vary the case thus far, as to say, that by these laws no freeman ought to be committed, or imprisoned without just cause, this I shall agree to be good law, and shall willingly subscribe unto it; that neither the king's privy-council, nor the king, nor any other, have power, that is, have a just and warranted power, to commit any freeman without a just cause.—But herein stands the difference; whether this cause must be always expressed upon commitment; and whether such cause so expressed, must always be legal and warranted by the strict rules and letter of the law; or whether the law hath not ever allowed this latitude to the king, or his privy-council, which are his representative body, and do what they do in his name and by his power, in extraordinary cases, to restrain the persons of such freemen, as for reason of state, they find necessary for a time, without the present expressing of the causes thereof; which, if it should be expressed, might discover the secret of the state in that point, and might easily prevent the service by that discovery.—

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What hath been the use and practice in all ages, in these cases, appears by the many precedents, which have been remembered and read unto you: of which I shall say no more than this. It is not the confidence by which they be delivered or applied on either side, that makes them better or worse, or more or less to the purpose, for which they were brought; and therefore I shall recommend them to your lordships memories, and great judgments and wisdom, to weigh them and every of them. And now I come to the authorities and resolutions of former times, which have been remembered. There hath been some mention and reliance made, for this matter upon the Statute of Westminster 1. ch. 15. which was made in 3 Edw. I. and this, as I said heretofore, did explain this great doubt: by the gentlemen of the commons it hath been much insisted upon, and a great deal of pains taken to prove, that that statute was made for sheriffs, and such other inferior or ministerial officers; and did not extend to the judges, who are neither mentioned nor meant thereby. Surely, my lords, I shall much ease that pains; for I do agree, that that statute was made for the direction of sheriffs and such ministerial officers; and for their punishment when they should offend in cases of setting prisoners at large by plevin: but that which I affirm upon that statute, to this purpose, is, That in the recital of that statute, it is agreed what the common law was before; which is, that in those cases there mentioned, which are 4, they were not repleviable at the common law.—If at the common law this was so, then it was long before the statute of Magna Charta; and if it was so at the making of this statute, then Magna Charta had not altered it. And observe, I pray, that this was made in the time of the son; not in the time of the father, when the statute of Magna Charta was made: and this statute of Westm. 1. doth not recite that these 4 sorts were not repleviable by sheriffs; but generally, that they were not repleviable at all: amongst which 4 those who are committed by the command of the king himself, is one of those sorts; and this is the same exposition, which I find Mr. Justice Stamford makes of it, who was a revérend judge of the court of common pleas, at that time, when he wrote the Treatise of the Pleas of the Crown; in which treatise, fol. 72. after he hath recited the statute of Westm. ad verbum; his own words are thus: 'By this statute it appears, that in 4 cases at the common law, a man was not repleviable: and these were such as were taken for the death of a man; or by the commandment of the king; or of his justices; or for the forest.—For the death of a man, he saith, he had spoken before; and as for the commandment of the king, it was intended the commandment of his own mouth or of his council, which are incorporated with him, and speak with the mouth of the king himself, for himself. If we will take these words of a commandment generally; ye may say that every commandment by capias in a personal action is such: for there the words are præcipimus tibi quod capias, and yet there the defendant is repleviable by the common law. And as to the commandment of the justices; it is intended their absolute commandment. And, in the same chapter, in the next leaf he saith, That if one be committed by the absolute command of the justices, he is not bailable. As if the justice command one to prison without shewing cause: or for misdemeanor before himself, or for such a thing as lieth in the discretion of a justice more than his ordinary power.—My lords, I pray observe this part of his opinion also; for it makes full against the tenet of the house of commons: for that goes general, 'That the King, nor no other, can commit without cause shewed;' which, as here appears, the justices of the king may do. My lords, have the justices this power and this latitude, and shall it be believed that the king himself, who is Justiciarius Regni, and is the fountain of justice, may not be trusted with that power? And, that this is the power of the justices, appears also by another authority, in our books in 31 Hen. 6. fol. 11. in one Selbie's case, (the opinion of that reverend judge Fortescue) that if the judges do commit a man, without shewing a cause thereof or without making any record thereof, as many times they did, it shall be intended to be lawfully and well done: and as Mr. Stamford's opinion is in this case, so it appears in the book called 'The register,' which is the book of our writs, which are the foundation of all our proceedings at law; where, in the writ of Homine replegiando, it is recited, that there are some persons, which 'secundum consuetudinem Angliæ non sunt replegiabiles,' and, in one of those writs, it is expressly mentioned thus; 'nisi captus sit per speciale præceptum nostrum, vel capitalis justitiarii nostri, &c.' And Mr. Justice Fitzherbert, a great and a learned judge, in his 'Natura Brevium,' (which is as a commentary upon the Register,) holdeth the same opinion.—I shall next to this remember unto you the record of the 21 Ed. I. in Parl. Rot. 2. which is that of the sheriff of Leicester and Warwick, where it is twice recited, quod nullam faceret gratiam, meaning, in his letting to plevin: so that it appears by that, and by all our records, that letting to bail in all cases, not expressly directed by some statute, is, ex gratia curiæ; and if ex gratia, then it is not ex debito; for they are contradictions. And that is contrary to the tenet of the commons: for they put a necessity upon the judges, that they must deliver or bail.—Next to this is the opinion of Newton, 22 Hen. 6. fol. 52. which is but a single opinion, and that but obscure and dark: for he saith, that a man, committed by the command of the king, is irrepleviable by the sheriff: and this is the scope and intention of that book: but some other words follow, whereof hold is taken, That the friends of the party may resort to the justices, and pray a supersedeas. How this is meant, and by what means it can be done, and what supersedeas is intend-

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ed, is so obscure by that book, that it will make very little to the present purpose.—Next is the book of 33 Hen. 6. fol. 28. the case of Poynings, where there is a return made, that captus or detentus fuit per dominos or per duos (take it either way) de consilio regis, pro rebus regem tangentibus. This book is an authority in this point, for the king: for the return is accepted of, and allowed to be good. But I confess ingenuously, I do not much rely upon this book neither on this side; because the matter is not debated at all there, but passeth by way of admittance.—The next is the Resolution of all the Judges, in 34 Eliz. Here Mr. Attorney read the latter part of it, which concerneth this general question; all the former parts being of commitments, made by particular counsellors, to the prejudice of particular persons in their suits; and many times in their executions after judgments: but, in this latter part, as appeareth by the words, it doth agree, That the courts of justice ought not to deliver, or bail, where the commitment is by the command of the king or his council. And touching the return of the cause, upon an Habeas Corpus, they agree it ought to be either generally, or specially, expressed: if then a general expression be enough, it is agreeing with the general return of 'per mandatum domini regis:' and, if it must be special, it must be so special as that all the circumstances must be made to appear to the court, that they may be able to judge thereof. Therefore, that Resolution of all the judges is, in my understanding, very plain and clear in this point; but I submit it to your lordships judgments.—Next is the Opinion of the Judges, in 13 Jac. in the King's-bench, upon the debate of Russel's case: and here, by the way, I must be bold to observe thus much, that, although this be the report of a private student and not in print; yet it is such, and of that nature, as all other reports are, (being faithfully collected) whereupon we, who are professors of the law, do ground opinions; and wherein judges of succeeding times do ground themselves, upon the opinions of their worthy predecessors: and such reports, whether in paper or in print, are of equal authority with us. For these which are printed, by the labours of those worthy men, who have taken pains therein, were first collected out of such reports in paper. The words of this report I shall read throughly, because they confirm many passages in these conferences. The words are these; 'Coke, Crooke, Dodderidge, and Haughton, justices, did hold, that a return that one is committed per mandatum privati consilii domini regis, was good enough, without returning any cause: for it is not fit that the arcana imperii should be disclosed:' and as to the case of Harcourt, in 40 Eliz. (a case remembered amongst the precedents cited before) where, in the time of Popham, chief justice, one was committed to the Tower for high treason, and was bailed upon an Habeas Corpus sent for him: this was by a special command of the queen, or of the privy-council, and not otherwise: and of later time, when one was committed to prison for the Powder Plot, he was bailed by them upon an Habeas Corpus: but this was by letters of the privy-council; which gave warrant so to do: which letters are filed in the crown-office. These are the letters which concerned Beckwith and Reyner; and which have been read already to your lordships. In 34 Eliz. it was resolved by all the judges of England, that the cause of the commitment should not be returned; and therefore, where sir S. Saltonstall was returned to be committed per mandatum privati consilii domini regis, the court would not meddle with him, but held the return sufficient enough. And sir Edw. Coke, being then chief justice of that court, said, 'That if the privy council commit one to prison, he is not bailable by any court in England: for where the statute of Westm. 1. saith, That he, which is committed to prison by the commandment of the king, cannot be let to mainprize; Stamford makes this interpretation, that by the king is well intended his privy council, who are the representative body of the king. And that sir Edw. Coke added, he knew a bill put in by Mr. Morice, attorney of the court of wards, into parliament; by which it was desired that the statute of Magna Charta, chap. 29. might be explained.—My lords, by the words of this case thus reported, and by the opinion of those reverend judges, you see how many things before cited have authority and life given unto them, not only in the main point in the question, but in the reason thereof, you see the true reason of Harcourt's case, and of Beckwith's and Reyner's case; the true meaning of the resolution of 34 Eliz. by all the judges: (which is now endeavoured to be turned into another sense) also the exposition of the statute of Westminster 1. and interpretation of Stamford likewise thereupon; and, lastly, that a bill was preferred in parliament to explain the statute of Magna Charta: and I wish, with all my heart, that, by the wisdom of both the houses, a fitting bill might be preferred to compose and to settle, well and equally, this great question.—Next I come to the opinion delivered in the parliament house, in 18 Jac. whereof I made some mention before, and now am put in mind of it again by an occasion offered yesterday by one of my lords in mentioning of it: itwas the words of the rev. and learned gent. sir Edw. Coke, upon whose opinion I have much grounded myself. It was upon occasion of a bill, then preferred in parliament, entitled, 'An Act for the better securing the Subject from wrongful imprisonment, contrary to Magna Charta, chap. 29.' This bill came to a second reading, May 5. 19 Jac. I being then a member of that house. Upon this occasion sir Edw. Coke stood up and said thus; (I have a note of the very words;) 'There are divers matters of state, which are not to be comprehended in the warrant, for so they may be disclosed. One committed by the body of the council is not bailable by law, resolved so by all the judges in Wray's time, (that, my

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lords, is the Resolution of 34 Eliz. when Wray was chief justice) upon the commitment of the king or the body of the council: for this is quite out of the statute of Magna Charta.—My lords, that it may appear it was not a sudden opinion, this being the 5th of May; on the 28th of the same month this bill was again offered to the house to be committed; and then sir Edw. Coke spake to it again and said, 'That in 33 Hen. 6. upon an Habeas Corpus, where a party was imprisoned by two privy counsellors, pro rebus regem tangentibus; that being the return it was allowed.' This, my lords, was Poyning's case before cited: and he said further, 'That it was so held in Elizabeth's time, by the judges, where the commitment is by the privy council, and he thought this so reasonable, that he moved for the bill to be recommitted; and so it was, or, rather, it was committed perpetually; for no more was done upon that bill.—My lords, I have now done with those Opinions and Resolutions; saving that I must crave your patience thus far, to put you in mind of the many precedents you have heard, for every one of them is also a resolution of those judges, which gave the rule in these several cases.—I come now to the last part, which are the reasons that have been offered on either side, wherein I shall not trouble you long. The reasons delivered on the other part have been many, collected and applied with a great deal of art and judgment. It hath been said by that learned and worthy gentleman, who delivered those reasons; 1. 'That if the king might thus commit, without cause, the free subjects were in the case of villains. 2. Nay, in worse case than villains. 3. That imprisonment is counted a civil death; and therefore a man imprisoned is as a dead man. 4. That the least corporal punishment is greater than the greatest pecuniary: therefore, if the king cannot inflict the less, as the assessing of a fine, he cannot do the greater, which is the imprisoning of the body. 5. That there are diversities of remedies against imprisonment; therefore some remedy must be applied for this. 6. That this extends to all persons, of all degrees, of all qualities; therefore it is commune periculum. 7. That it is indefinite for time; and so may be a perpetual imprisonment.—Arguments were drawn a fine, ab honesto, ab utili, a tuto. And, lastly, two authorities were remembered by him.'—All these Reasons I shall, with your favour, reduce to one general head: The Liberty of the free Subject of this kingdom; which is of great esteem, and is the inheritance of the subject. I acknowledge it to be very true that which hath been said thereupon; and I am also of this mind, that he is not worthy to enjoy his liberty, who would not by all just means endeavour to preserve and maintain it."—I know it is a plausible argument; but I shall humbly desire to lay in the other scale these Reasons, which I shall offer unto you on the other side, why personal liberty, in such sort as is desired by the resolutions of the commons, cannot possibly be allowed of in that latitude therein set down; but, before I come these to reasons, I shall crave leave to remember unto you the case of 33 Hen. 7. in parliament, and the other two authorities, which were cited by this reverend gentleman. And, my lords, as an inference was drawn on the other side, out of the record, of a petition in parliament, 36 Ed. 3. N. 9. where the petition is in French, That the commons pray, that the statute of Magna Charta, and the other statutes, might be duly observed, sans disturbaunce mettre, ou arrest faire al contre; these words have been expounded to extend to personal arrest of the subject; but I conceive the sense of these words cannot bear that exposition; for the true understanding of them must needs be thus, that Magna Charta, and the other statutes be put in due execution without any disturbance or delay made, or hindrance to the contrary. And to these the king made a full Answer, That it should be done as was desired. And I shall willingly subscribe thereto. For the truth of this exposition I submit myself to the judgments of my lords, who are much better able to judge of the true meaning of the French words than I am.—It has been urged, That in the 28 Hen. 6. N. 16. the commons in parliament desired, that the duke of Suffolk might be committed; the lords and judges answered, he ought not to be committed without a cause shewed. My lords, I acknowledge this to be a very just resolution; but give me leave, I pray you, to observe, by the way, that here the commons in parliament preferred a request to the lords; which upon better examination of the justness of it, was denied by the lords (being assisted by the judges) to be yielded unto. And for the resolution itself, it was very just and honourable; for it were not reasonable for a court of justice, especially so high and so great a court as the court of parliament, to commit any to prison without a just cause. But, whether this can be fitly applied to the case of the king, or the lords of the council, who commit for some great cause, in reason of state, until a due examination may be had of the cause, I humbly submit to your judgments. Another argument was out of the Acts of the Apostles, ch. 25. the last verse; where Festus being then viceroy or deputy to the emperor, and having in purpose to send Paul unto Cæsar, said, 'he thought it unreasonable to send him, and not to send with him the cause of his commitment. My lords, I acknowledge it to be a very discreet resolution of Festus; who although he was a mere moral man, yet he held it a wise and discreet position not to send a prisoner to Cæsar, his superior, to whom he was to give an account, and not to send with him the cause for which he should be tried, and of which he was accused. But, whether this do prove any thing in our case in question, I humbly refer to your judgments; where not the inferior to his superior, but the superior to his inferior sends the prisoner, to whom he is

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not bound to give that account.—And now, my lords, I come to the Reasons, which I shall humbly offer on the other side, against this tenet of the house of commons, in such manner as it is laid down; wherein I must first crave leave to lay before you what conclusions do, necessarily, follow out of this proposition of the commons. 1. If the cause of the commitment must be laid down, then necessarily it must be affirmed, that this must be the true cause, and not a false or feigned cause, for that were worse than to express no cause at all. 2. It must be expressed at the time of the making of the warrant for the commitment; which is instantly and presently; and from this there must be no varying. 3. It must be expressed so fully, as that the court must be able to judge of it from itself; for if it be an uncertain cause, or set down so lamely as not to give full satisfaction to the court, it is as bad as none at all. Lastly, It must be a legal cause; such a one as by the fundamental rules of the law, the judges must judge it a good cause of commitment or detainer, or else they must presently discharge or bail. Then, upon these premises, doth this conclusion naturally follow, That in no case whatsoever, may any man be committed or restrained for any thing, never so much concerning the state; but that forthwith the keeper of the prison must be acquainted with the cause so fully, as that he may, truly and without variation, inform the court thereof, when it shall be required; and that cause must hold the strictest examination and trial of the law: which, if it should be admitted, your lordships shall see what infinite peril it might bring, not only to the persons of private men, (which are not to be neglected) but to the whole state; the very fabrick and frame of government under which we live.—But it hath been objected, That if the king, or the council, may commit without shewing cause, it would be infinitely full of mischief; for, as the king may commit one, so he may commit any, or many; as he may commit for a just cause, so he may commit without a cause; as he may commit for a time, so he may commit to a perpetual imprisonment. To this I answer, that it cannot be imagined of the king, that he will at any time, or in any case, do injustice to his subjects. It is a maxim in our law, that the king can do no wrong. Therefore the king can give no land by disseisin, as in 1 Ed. 5. fol. 8. He can give no advowson by usurpation, as in 32 Hen. 8. fol. 18. And this is so far from being a defect or impotency in the king, that it is held for a point of his prerogative; as it is said in the lord Berkley's case, in Mr. Plowden's commentaries. The reason is, as the king is supreme governor of his people, so he is Pater Patriæ; therefore he cannot want the affection of a father towards his children.—Now, my lords, I shall instance, in some cases of importance, wherein, for a time, one may and must be imprisoned, and yet the cause of it not presently rendered; as in the days of queen Eliz. which many of the lords cannot but call to mind. There was a great conspiracy against the person of the queen: some were laid hold on, committed, and imprisoned; but they could not be proceeded against: nor was it safe to reveal it, until one Owen, a priest, living then at Brussels, could be caught. This required a long time (above a year) to bring it to pass; at last, by a wile, he was laid hold upon, and brought over. Now, if so much as the general cause had been published, it would have been more difficult to have gotten Owen; and haply without him, the plot could not have been discovered. Would any man have thought fit that in this case the others should in the mean time have been set at liberty? I appeal to the judgment of my lords, whether there be not a necessity in the affairs of state, sometimes to give forth one thing for a pretence to secrete the true intention of the action.—I shall give you another instance in the troubles of Ireland. O'Donnel, the arch rebel, was slain; his sons, being then infants, were brought over into England, and committed to the Tower, and lived therein all their lives after. Admit these were brought to the King's-bench by Habeas Corpus, and the cause returned, what cause can there be which could hold in law? They themselves neither had done, nor could do any offence; they were brought over in their infancy. True; but their father was an arch-traitor. Is this a legal cause of detaining the son in prison? Yet would any man believe that it were safe, that it were fit, to deliver those persons? Yet this general tenet admits of no exception. Infinite other examples might be given. How often do we see the state interpose in ordering the government of trades, of companies, of private corporations, and with very good success: for the peace of these petty governments doth preserve the peace and quiet of the great frame; and the common law can give no rule in these things.—Upon this occasion I have looked into some acts of state in queen Eliz.'s time; which I shall be bold to offer to your lordships judgments. In the times of dearth, lest the poor should starve and perish, the farmer was commanded to bring forth his corn to serve the market, to sell at a reasonable price. Is there any law to order or compel this? Yet is not this fit to be done? In queen Eliz.'s time, before any law was made against Jesuits or Seminary Priests; before any law was made for confining of Popish Recusants; the one sort were imprisoned, the other confined, in times of danger, by the acts of the state only: and would it have been fit to have delivered, or bailed these upon a Habeas Corpus?—But the true answer for these, and the like cases, is, That it is not contrary to the laws: for as God hath trusted the king with governing the whole; so hath he therefore trusted him with ordering of the parts: and there are many cases, of infinite importance to the subject, and of undoubted trust, reposed in the king; wherein, notwithstanding, it was never

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questioned by a subject of the king, why he did thus or thus. It may be urged, If the king is trusted with the coins and monies of the kingdom, he may, of his own absolute power, abase or inhance them; he may turn our gold or silver money into brass, or base money, and in one instant undo his people thereby. If he is not to be trusted, he may make wars; he may conclude peace or leagues; and these may be fatal to the whole kingdom; to the liberty and to the lives of his subjects. The answer is, he will not do this to the hurt of his people. Again, he hath power to pardon traitors and felons; the good people of the land may suffer by too great an extent of mercy; and the good may be devoured of the bad. No, the king will not do hurt to his people thereby. The king hath power, without number or limitation, to make strangers to be denizens: it may be said that this lets in a flood of strangers to eat up the bread of natural-born subjects: but this receives the same answer, The king will not break the trust committed to him by God. But my lords, do I, by this, say or maintain, that a king hath liberty to do what he lists? No, God forbid: he is set over his people for their good; and if he do transgress and do unjustly, there is a greater than he, the King of Kings; respondet superiori. And as Bracton, an old writer of the law, said, 'Satis ei sufficit ad pœnam, quod dominum expectat ultorem.'—I beg leave to conclude with observing, that these gentlemen of the house of commons have done like true Englishmen, to maintain their liberties by all the good and fit means they may; and myself, as one of the number, shall desire it likewise: but I fear also they have done like right Englishmen; that is, as we usually say in our proverb, they have overdone: they have made their proposition so unlimited, and so large, that it cannot possibly stand; and it is incompatible with that form of government, which is monarchy, under which we happily live."

Mr. Serjeant *Ashley* spake next.—'I hope it will neither be offensive nor tedious to your lordships, If I say somewhat to second Mr. Attorney; which I rather desire, because yesterday it was taken by the gentlemen that argued on the behalf of the commons, that the cause was as good as gained by them, and yielded by us, in that we acknowledged the statute of Magna Charta, and the other subsequent statutes to be yet in force: for from this they inferred this general conclusion, That therefore no man could be committed, or imprisoned, but by due process, presentment, or indictment; which, we say, is a non sequitur upon such our acknowledgment: for then it would follow, by necessary consequence, that no imprisonment could be justifiable but by process of law; which we utterly deny: for in the case of a constable, cited by Mr. Attorney, it is most clear that, by the antient law of the land, a constable might, ex officio, without other warrant, arrest and restrain a man to prevent an affray, or in the time of an affray, to suppress it; and so is the authority in 37 Hen. 8. Brook's Abstracts. So may he, after the affray, apprehend and commit to prison, the person that hath wounded a man, that is in peril of death, and that without warrant or process; as it is in 38 Hen. 3. fol. 6. Also any man, that is no officer, may apprehend a felon without warrant or writ; and pursue him as a wolf, a common enemy to the common-wealth, as the Book is 14 Hen. 8. fol. 16. So may any man arrest a night-walker; because it is for the common profit, as the reason is given, 4 Hen. 7. fol. 18. and so may a watchman, 4 Hen. 7. fol. 2. In like manner the judges, in their several courts, may commit a man, either for contempts or misdemeanors, without any other process or warrant, than 'Take him Sheriff,' or 'Take him Marshal,' or 'Warden of the Fleet:' and the adversary will not deny but, if the king will alledge a cause, he may commit a man only by his mandatum, as the judges do without other process or warrant. And various are the cases that may be instanced, where there may be lawful commitment without process: and therefore the words in the statute, per legem terræ, cannot be restrained to so narrow bounds as to imprisonment by process: wherefore I do positively, and with confidence affirm, That if the imprisonment be lawful, let it be by process, or without process, it is not prohibited by this law.—This being granted, then the question will aptly be made, Whether the king or council may commit to prison per legem terræ? And, if they may, whether of necessity they are obliged to declare a cause? To clear this, we must consider what is lex terræ; which is not so strictly to be taken as if lex terræ were only that part of the municipal law of this realm, which we call common law; for there are divers other jurisdictions exercised in this kingdom, which are also to be reckoned in the law of the land. In Cawdrey's Case, Coke's 5th Report, fol. 8. the ecclesiastical law is held the law of the land to punish blasphemies, apostacies, heresies, schisms, simony, incest, and the like, for a good reason there rendered, viz. That otherwise the king should not have power to do justice to subjects in all cases, nor to punish all crimes within his kingdom. The admiralty's jurisdiction is also lex terræ, for things done upon the sea; but if they exceed this jurisdiction, a prohibition is awarded upon this statute of nullus liber homo; by which it appears the statute is in force, as we have acknowledged. The martial law, likewise, though not to be exercised in times of peace, when recourse may be had to the king's courts, yet in time of invasion, or other times of hostility, when an army royal is in the field, and offences are committed which require speedy resolution, and cannot expect the solemnities of legal trials, then such imprisonment, execution, or other justice done by the law martial, is warrantable; for it is then the law of the land, and is jus gentium, which ever serves for a supply in defect of the common law, when oc-

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dinary proceedings cannot be had. And so it is also in the case of the law-merchant, which is mentioned 13 Edw. 4. fol. 9, where a merchant-stranger was wronged in his goods, which he had committed to a carrier to convey to Southampton, and the carrier embezzled some of the goods; for remedy wherein the merchant sued in the Star-chamber for redress. It is there said, that merchant-strangers have the king's safe conduct for coming into this realm; therefore they shall not be compelled to attend the ordinary trial of the common law; but, for expedition, shall sue before the king's council or in chancery, de die in diem, & de hora in horam; where the cause shall be determined by the law of nature. In like manner it is in the law of the state; when the necessity of the state requires it, they do, and may proceed according to natural equity, as in those other cases: because in cases, where the law of the land provides not, there the proceedings may be by the law of natural equity: and infinite are the occurrents of state unto which the common law extends not; and if those proceedings of state should not also be accounted the law of the land, then do we fall into the same inconveniency mentioned in Cawdrey's case, that the king should not be able to do justice in all cases within his own dominions. If then the king, or his council, may not commit, it must needs follow, that either the king must have no council of state, or, having such a council, they must have no power to make orders or acts of state; and, in this case, they must be without means to compel obedience to those acts: and so we shall allow them jurisdiction, but not coercion; which will then be as fruitless as the philosopher's 'Frustra potentia, quæ nunquam reducitur in actum.' Whereas the very act of Westm. 1. shews plainly that the king may commit, and that his commitment is lawful; or else that act would never have declared a man to be irrepleviable, when he is committed by the command of the king, if the law-makers had conceived that his commitment had been unlawful. And Divine Truth informs us, That kings have their power from God, and are representative gods; the Psalmist calling them the 'Children of the Most High;' which is in a more especial manner understood of kings than of other men: for all the sons of Adam are, by creation, the children of God; and all the sons of Abraham are, by recreation, or regeneration, the children of the Most High: but it is said of kings, they are the children of the Most High, in respect of the power that is committed unto them. Who hath also furnished them with ornaments and arms fit for the exercising of that power, and given them scepters, swords, and crowns; scepters to institute, and swords to execute laws, and crowns as ensigns of that power and dignity with which they are invested. Shall we then conceive that our king hath so far transmitted the power of his sword to inferior magistrates, that he hath not reserved so much supreme power as to commit an offender to prison? In 10 Hen. 6. fol. 7, it appears, That a steward of a court leet may commit a man to prison; and shall not the king, from whom all inferior power is derived, have power to commit? We call him the Fountain of Justice; yet when those streams and rivulets which flow from that fountain are fresh and full, should we so far exhaust that fountain as to leave it dry? But they that will admit him so much power as to commit, do require an expressing of the cause! I demand then, whether they will have a general cause alledged, or a special? if a general, as they have instanced, for treason, felony, or a contempt? But, to leave fencing, and to speak plainly, as they intend it, if a loan of money should be required and refused, and thereupon a commitment ensue, and the cause is signified to be for a contempt; this being equally far from yielding the remedy sought for: why then, truly, in the next parliament, there would be required an expressing of the particular cause of commitment! And how unfit it would be for a king and council, in all cases, to express the particular cause, is easy to be judged; when there is no state or policy of government, whether it be monarchial, or of any other frame, which hath not some secrets of state, not communicable to every vulgar understanding. I will instance but one: if a king employ an ambassador to a foreign country or state, with instructions for his negotiation, and he pursues not his instructions; whereby dishonour or damage may ensue to the kingdom, is not this cause of commitment? And yet the particular instructions, and the manner of his miscarriage, is not fit to be declared in the warrant to the keeper, nor by him to be certified to the judges, where it is to be opened and debated in the presence of a great audience.—I therefore conclude, that for offences against the state, in cases of state government, the king or his council hath lawful power to punish by imprisonment, without shewing particular cause; where it may tend to the disclosing of the secrets of state government. It is well known to many, how much I have laboured in this law of the subjects liberty, very many years before I was in the king's service, and had no cause then to speak, but only examine; yet did I then maintain and publish the same opinion which now I have declared, concerning the king's supreme power in matters of state; and therefore I cannot justly be censured for speaking it at this present, only to merit of my master: but, if I may freely speak mine own understanding, I conceive it to be a question too high to be determined by any legal decision; for it must needs be a hard case of contention, when the conqueror must sit down with irreparable loss, as in this case: for, if the subject prevail for liberty, he loses the benefit of that state government, without which a monarchy may soon become an anarchy: or, if the state prevail, it gains absolute sovereignty, yet loses the subjects, not their subjection; for obedience we

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must yield, though nothing be left us but prayers and tears; but it loses the best part of them, which is their affections, whereby sovereignty is established, and the crown firmly fixed on his royal head. Between two such extremes there is no way to moderate, but to find a medium for accommodation of the difference, which is not for me to prescribe; but humbly to move your lordships, to whom I submit it."

Mr. Serjeant Ashley having ended his speech, the lord President said to the gentlemen of the commons house, 'That though, at this free conference, liberty was given by the lords to the king's counsel to speak what they thought fit for his majesty's service, yet Mr. Serjeant Ashley had no authority or direction from them to speak in that manner he hath now done.'

"The Lord Bishop of LINCOLN'S REPORT of the Fifth and last Part of the CONFERENCE.

"The Answers which the commons made to the arguments of Mr. Attorney and Mr. Serjeant Ashley, were to the following effect: viz. Mr. Littleton began and said, 'This was a great cause, and peradventure the greatest that ever was in Christendom: nothing like so proper to a private court, as to the court of parliament. They brought with them sufficient authority to justify what is said already: but if any new matter was offered, as he conceived some part of Mr. Serjeant's to be, he brought no more than ears to hear it, but had a tongue to answer to any point urged in this debate; and the proper subject of the discourse.'—And here he entered a Protestation, in the name of the commons, that their intent was not to call in question the power of the king, as well to commit as to bail, but to regulate it: and for the method of proceeding he said, That because they were opposed so suddenly, they would collect the heads of the opposition, according to law, and reply unto them. He said, they themselves were gentlemen of the law, the unworthiest of the house of commons, and not the most eminent of their calling; but yet they would clearly maintain the resolutions of their house. For that this controversy, which remains as yet in the nature of a disputation in this house, is already grown and improved as a full resolution in the other.—That Mr. Attorney began with Magna Charta, the subject of this disputation; that is, some general words in the same not rightly interpreted; and, in particular, what this lex terræ meant: that Mr. Attorney assented, 'That this statute concerned the king as well as the subject, yea, the king principally: but he doth not understand by this lex terræ, the same which the commons do, but a general law. You, said he, will have no man arrested but by writ original.' We never said so, replied Mr. Littleton; we never restrained the process of the law to writs original; but by the words 'Process of the Law,' we understand the whole proceedings of the law; and so take in the constables, and all those inferior ministers of justice, who, notwithstanding, are never used without a cause, as the constable executes his office when any affray is done, or feared to be done. So in Bagg's case, 11. Report, fol. 99. lex terræ is extended to the jurisdiction of courts; and so involves all proceedings in law. Nay, he said, the learned gentleman near him, sir Edw. Coke, extended the same to a wager in law, in 10th of his reports. This process doth include an original writ; and so goeth the authority of 42 Edw. 3. that 'due process of law' must be taken for original; as a part, not as the whole proceedings of the cause.—That Mr. Attorney's next objection was, that the king was not bound to express, because there may be matters of state, fear of revealing, &c. and added this expression, 'Must be done instantly, and must be true, unchangeable,' &c. Answer, that the commons do not require a particular, a general cause will serve the turn; as treason, suspicion of treason, felony, &c. there are many vitia sine nomine; like those in Aristotle; every species hath a proper name; and what inconveniency can there be to express one of those: Objection: If the cause be expressed, then presently, upon an Habeas Corpus, the party must be delivered or bailed; nay, indeed, delivered if the cause be of that nature. Respons. Commitments are of a double nature; superior, as from a king and council; and here the judges in discretion or respect are not presently to deliver, but to bail; inferior and lower, and here they are to deliver him.—That Mr. Attorney cited for his Answer, in the law, the statute of Westm. 1. chap. 15. which, said Mr. Littleton, 'non ponit, sed supponit;' makes no law, but declares a law; and all that is pertinent in the same, is the recital that a man is not repleviable in the death of a man, matter of forest, command of the king, and command of the judges.—Here he denies repleviable and bailable to be all one: they differed in nature and place: in nature, for replevin is by sureties, manucaptores; which they call plevins. Bailing is delivering to the hands of other men; which still hold him in prison if they please. Then they differ in place. Bailing is ever in a court of record, and to answer body for body. Replevin is in a sheriff's turn; for this difference he offered a Book-Case, 33 and 36 Edw. 3. placito 12. 13. but were they all one, yet this statute is restraining to the sheriffs alone; which he proved out of the first words thereof, 'And forasmuch as sheriffs and others which have taken and kept in prison, &c.' The word 'others' can never reach unto judges. For, dignissimum in suo genere; the best, by all course, is first named: and, therefore, if a man bring a writ of customs and services, and name rents and other things, the general words shall not include homage, which is a personal service, and of an higher nature, but shall extend to ordinary annual services. He quoted for this 31 Edw. 1. Title, Droit. Fol. 67. So 13 Eliz. C. 10. and 'others having spiritual promotions,' coming after colleges, deans and chap-

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ters, shall not comprehend bishops, that are of a higher degree; quoted for the abp. of Canterbury's case, 2 Report, Fol. 46. besides that this word 'others,' is expounded by this statute in the conclusion, to comprehend under-sheriffs, constables, and bailiffs; such as kept men in prison: repleviable and not repleviable, are voces artis; a proper language to a sheriff: but that which receives no answer, is this: that the command of the justices, who derive their authority from the crown, is there equalled, as to this purpose, with the command of the king: and therefore by all reasonable construction, it must needs relate to officers that are subordinate to both: strange! are not the judges able to discharge their own commands? also, that this was meant of sheriffs, appears by the recital of 27 Ed. 1. C. 3. De finibus levatis; and so likewise by Fleta, L. 2. C. 52. in the articles of the charges in the sheriff's turn, he hath one, 'de replegiabilibus injuste detentis, & irreplegiabilibus dimissis.' And before, 'qui debent per plegios dimitti, qui non, declarat hoc statutum,' saith Fleta, speaking of this very statute: besides that they have an express book of it, 22 Hen. 6. Fol. 46. where Newton delivers this opinion, it cannot be intended that the sheriff did suffer him to go at large by mainprize, for where one is taken by the writ of the king, or commandment of the king, he is irrepleviable; but in such cases his friends may come to the justices for him,' &c. Objection: Stamford was a learned judge, but speaks nothing to this question, or against the declaration of the commons: Mr. Littleton bid Mr. Attorney read the sentence entire, and then he should find that the word sheriff must reach to all; or Stamford knew not what he said. Then he read it, and concluded that the word sheriff must either relate to all, or else he had not expressed his opinion. For Mr. Attorney's objection, 31 Hen. 6. Fol. 11. of Fortescue's opinion, that in a commitment made by the judges, we ought to presume the cause just. Answer; the commons do so presume of every one committed by the king, or council; but the question is, If the cause ought not to be expressed, that it may so appear? The place in the Register, 'De Homine replegiando,' he said, was answered before. To that record, 21 Ed. 1. Rot. 2. Renis's Case; where the sheriff of Warwick and Leicester was censured in parliament, for replevying a man committed by the earl of Warwick; when the king had given him a general command to shew no favour to any committed by that great peer. Answer, That the sheriff was justly punished; for the party was not repleviable by the sheriff, but bailable by the justices. In 22 Hen. 6. By the king's mouth, whereby none can be committed, he understands also the council, which are his mouth; and incorporated with the king; as you heard out of Stamford, 33 Hen. 6. fol. 28, 29. Poining's Case: he denied it was urged for them; but relied upon by Mr. Attorney for the contrary opinion. Yet Mr. Attorney confessed it proved nothing.

The parties, in this case, committed per dominos de consilio, never desired, nor were ever denied bail or liberty; confessed by Mr. Attorney.—Out of 34 Eliz. containing the resolutions of all the judges, he read some part; and shewed judge Anderson's book under his own hand; insisted upon some words, that implied the cause ought to be expressed; and concluded, That it was neither for their tenet nor against it: for that assertion, that bailing was ex gratia curiæ, he granted it true in many cases; as where the cause doth appear, and the judges hold it fit to make some stay; but not where no cause is shewed. It may be grace, said he, yet it is the constant practice of the court; and herein he appealed to those precedents, offered unto your lordships out of the close rolls.—'The Report of 13 Jac. which is called Russel's Case, taken by a young student, is a gallimawfrey of 3 or 4 cases huddled together, and put as it were into an hotch-pot. Others interpret it for a sudden remittitur at the rising of the court. And you must note, also, That Russell was never returned to this court again. If a man deliver an opinion of a sudden, that is nothing to the case in hand. Judges, as students find in their year-books, have changed their opinions, and given better reasons for their contrary assertions. And that passage in parliament, 18 Jac. was at best but a sudden ejaculation, grounded upon 33 Hen. 6. which was nothing material. For that place, 16 Hen. 6. (Mounstre Defaits,) he answered, that of their authorities some are nearer the question, some farther off; yet all appliable. It is the dignity and honour of the king, 'Neminem a se tristem dimittere, to act these severities, not by himself, nor his own mouth, but by ministerial officers. Kings have sitten in their beds of justice as Ed. 6. in a trial of rape at the King's-bench: yet did he not pronounce the sentence, but left that to his justices. It is the honour of the king to command none to prison, but leave it to his inferiour ministers of justice. To that of 1st Hen. 7. fol. 4. Hussey's report of Markham, That he told Ed. 4. He could not command one to carry any to prison, he said it was a rule in law, that the king can do no wrong: but if he should command one to be arrested without cause, then he might be author of wrong; and, therefore, that is denied him.—He touched that place of Fortescue, 'Proprio ore nullus regum Angliæ,' &c. And here he desired to be rightly understood, for they of the house of commons do not exclude the commandment of the king; for they confess all that are imprisoned, are by his commandment; but it must be with a cause expressed: he said, that 36 Ed. 3. N. 9. is not in print. He saith, that he was in France; and that there he read many of their books: and he appeals to any that understands the language, if, 'ou arrest faire,' doth not signify to arrest, and not to delay by commandment of the king. Concerning Mr. Serj. Ashley, Mr. Littleton said, That for matter of law he was authorized to answer him: and for what

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that gentleman had objected, That the commons did think they had gained the cause, because the king's council had yielded the statutes to be in force: Alas! saith he, we do not labour for victory but for truth; convince our understandings by better reasons, and the cause shall be yours.—That Mr. Serjeant understood 'per legem terræ,' many laws in England, Martial, Admiral, Ecclesiastical, and that 9 Ed. 3. called, Merchant-Law; to this Mr. Littleton replied, with some acrimony and a challenge to any man living, to shew, that lex terræ should be spoken of any but the common law, in any law-book, statutes, or antient records: and so closed up his discourse."

"Sir *Edward Coke* spake next. 'As,' said he, 'the centre of the greatest circle is but a little prick, so the matter ever lies in a little room; but weighty businesses are spun out to a high length. This he said, was more weighty than difficult: his part was little; he would run over Mr. Attorney's Reasons briefly: and, said he, 'summa sequar vestigia rerum.' This tenet of theirs was expressed shortly and significantly: it was a wonder for him to hear the Liberty of the Subject should be thought incompatible with the regality of the king; for 'nihil tam proprium est imperii, quam legibus vivere,' saith Bracton. Nay further, 'Attribuit rex legi quod lex ei; dominium enim & imperium exercere, sine lege, non potest.'—First he, said, Mr. Attorney seemed to intimate, that, in this speciale mandatum, a cause should be conceived to blind the judges, when other matter was intended. He had heard indeed of that sentence, 'Qui nescit dissimulare, nescit regnare;' but he held it no good divinity; for David, in the 119th Psalm, desires 'a sound heart;' that is, a heart without dissimulation: ergo no king should covet to dissemble in his mandates. Then for that case of rebellion, in Ireland, he said, it was bona terra, mala gens. But, he said, O'Donnel's children lost nothing by the bargain; periissent nisi periisset; for they were better brought up here in the true religion, instead of popery. Besides, they have lost nothing, for their blood was tainted. It was charity to keep them. A strange proviso, that a thing happening once in 100 years should overthrow and marr so many statutes in continual use, against the old rule, 'Ad ea quæ frequentius accidunt, jura adaptantur!' And he never heard of such an objection.—In the next Reason, he said, Mr. Attorney came close to him, and said he was glad he had awaked him. That a king is trusted in greater things, as war, money, pardons, denisons; ergo, &c. Negatur, said he, for the liberty of the person is more than all these; it is maximum omnium humanorum bonorum, the very sovereign of all human blessings: yea, but the king may make money of brass, (saith Dionysius Halicarnasseus) or other base metal, as he heard queen Eliz. say, that her father, king Hen. 8. did hope to live so long, till he saw his face in brass; i. e. in brass money. He said this was a main point: and that whatever the king's power was by the common law, yet was it qualified by acts of parl. And no man will deny but the king may limit himself by acts of parl.—He cited 9 Ed. 3. C. 4. 3 Hen. 5. C. 1. that the money must be of weight sterling; ergo, it must now be of the lay and fineness of sterling. In another statute, 'de dimissione denariorum,' it is required the coin should be de legali metallo; ergo, not illegitimate. Why must the king have the mines of gold in my land, but for the use of his mint and coining? He cited also a law of King Edgar, C. 8. and of Canutus, C. 8. that no money should be current but of gold and silver. And for Pardons; they are also limited, in wilful murder; as he proved out of the 4 and 25 Ed. 3. And this he said by the way. Now his part was short; he had before expressed what books and warrants they had for their tenet. If he be a little more earnest than seems fitting, he craves your lordships pardon; it concerns him near. He takes occasion here to say (under reformation) his reasons were not answered, or not fully. He touched upon his former reason from imprisonment (see p. 266); that it is a badge of a villain to be imprisoned without cause; that this and 'taller luy haut & bas sont propria quarto modo' to villains: this he presents with all reverence; for we, said he, speak for the future times only: our king is good, and the council most gracious; but 'non nobis nati sumus; it is for our posterity that we desire to provide, rather than for ourselves, that they be not in worse case than villains; for to be imprisoned without cause shewn, is to be imprisoned without cause at all. 'De non apparentibus & non existentibus, eadem est ratio.'—He agreed with Mr. Attorney in the enumeration of all the kinds of Habeas Corpus; and if they two were alone, he did not doubt but they should agree in all things. Only, he said, that for a freeman to be tenant at will for his liberty, he could never agree to it; it was a tenure that could not be found in all Littleton.—Then he also touched his former argument from universality; that the lords, the bishops, and all are jumbled and involved in this universality. Law doth privilege noblemen from arrests: this new doctrine, like the little god Terminus, yields to none. Nay, the judges themselves, when they should sit on the Bench, must be walking towards the Tower. Then he fell to a protestation, that he intended no prejudice at all to the king for matters of state; for the honourable must be maintained in honour, or this common-wealth could not subsist; but the question was, Whether they ought not to express the cause? He repeated again Plowden, 4 Eliz. pl. 236. The common law hath so admeasured the king's prerogative, as he cannot prejudice any man in his inheritance. He cited also 42 Ed. 3. c. 1. to prove, that all judgments given against Magna Charta are void.—Next he was pleased to say, He was not so well dealt with in one particular as he expected: For a student's report should not

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have been cited against him. He desired Mr. Attorney to remember, he had not veritatem ex cathedrâ, or infallibility of spirit; that was for the Pope. He said, he misgrounded his opinion upon 33 Hen. 6. which being nothing to the purpose, he is now assured his opinion is as little to the purpose.—Here he took notice of an objection, What, can you arrest none without a process or original writ? Why, the suspected fellow will run away? To which he answered, That process signifies the whole proceeding: and cited a rule in law, 'Quando lex aliquod concedit, concedere videtur id, sine quo res ipsa esse non potest.' The law gives process and indictment; ergo, gives all means conducing to the indictment. And this answers all Mr. Attorney's cases of watchmen and constables."—And here paused sir Ed. Coke.

"Mr. *Noy* offered Answers to the Inconveniences presented by Mr. Attorney. 1. he said, where it was objected, That it was inconvenient to express the cause, for fear of divulging arcana imperii; for hereby all may be discovered, and abundance of traitors never brought to justice: to this that learned man answered, That the judges, by intention of the law, are the king's council, and the secret may safely be committed to all, or some of them who might advise whether they will bail him: and here is no danger to king or subject; for their oath will not permit them to reveal the secrets of the king; nor yet to detain the subject long, if, by law, he be bailable. 2. For that objection of the children of O'Donnel, he laid this for a ground, that the king can do no wrong: but, in cases of extreme necessity, we must yield sometimes for the preservation of the whole state: 'ubi unius dampnum utilitate publica reperditur.' He said there was no trusting children of traitors: no wrong done, if they did tabescere or marcescere in carcere. It is the same case of necessity, as when, to avoid the burning of a town, we are forced to pull down an honest man's house; or to compel a man to dwell by the sea side for defence or fortification. Yet the king cannot do wrong: for 'potentia juris est non injuria:' ergo, the act the king doth, though to the wrong of another, is by law made no wrong: as if he commands one to be kept in prison, yet the king himself is not responsible for this wrong. He quoted a book 42 Assiz. c. 5. —3. For the instance made of Westm. 1. he said, "There was a great difference between these three; 1. Mainprize; which is under a pain; 2. Bail; which is body for body, and no pain; for the party is ever in court to be declared against; 3. Replevin: which is as much as both; yet it is neither by surety nor by bail; for if replevied, then he is never in court. By this statute, saith Mr. Attorney, a man cannot be replevied; ergo, not bailed: non sequitur." —4. Where it is said, That bail is ex gratia, he answered, 'That if the prisoner comes by H. Corpus, then it is not ex gratia; yet the court may advise: but mark the words, 'ad subjiciendum & recipiendum prout curia consideraverit.' Now it is impossible that the judges do so, if no cause be expressed: for if they know not the cause, he may bring the 1st, 2nd, 3rd, and 4th H. Corpus, and so ad infinitum, till he find himself a perpetual prisoner: so that no cause expressed is worse for the man, than the greatest cause or villainy that can be imagined."—And thus far proceeded that learned gentleman.

"Mr. *Glanville* said, 'That, by favour of the commons, he had liberty to speak, if opportunity were offered: he will therefore apply his Answer to one particular of Mr. Attorney; who assigned to the king 4 great trusts; 1. Of War; 2. Coin; 3. Denisens; and, 4. Pardons. It is assented unto, that the king is trusted with all these 4 legal prerogatives: but the argument followeth not, That therefore he shall imprison without cause shewn. Again, the king is trusted in many prerogatives; ergo, saith Mr. Attorney, in this: 'Non sequitur; quod non est sufficiens enumeratio partium.' He said he would answer Mr. Attorney's 4 great trusts with two rules; whereof the first should wipe off the 1st and 2nd; and the other, the 3rd and 4th. The 1st rule is this: there is no fear of trusting the king with any thing; but the fear of ill council against the subject: the king may easily there be trusted, where ill counsel doth equally engage both the king and subject; as it doth both in matters of war and coin. If he miscarry in the wars, it is not always 'plectuntur achivi;' but he smarts equally with the people. If he abase the coin, he loseth more than any of the people; ergo, he may safely be trusted with those flowers of the crown, wars and coinage. The 2nd rule he gave was this: when the king is trusted to confer grace, it is one thing; but when he is trusted to infer an injury, it is another matter. The former power cannot, by miscounselling, be brought to prejudice another; the latter may. If the king pardon a guilty man, he punisheth not a good subject. If he denizen never so many strangers, it is but damnum sine injuria. We allow him a liberty to confer grace; but not, without cause, to infer punishments. And indeed he cannot do injury, for if he command to do a man wrong, the command is void, et actor fit author, and the actor becomes the wrong doer; and therefore the king may safely be trusted with war, coins, denizens, and pardons; but not with a power to imprison, without expression of cause or limitation of time; because, as the poet tells us, 'libertas potior auro."—And thus far proceeded Mr. Glanville.

"Next Mr. *Selden* said, 'Your lordships had heard all or most of the arguments brought, and answered fully: that there was hardly any thing objected that had the least colour. This he speaks not out of any overweening confidence as a counsellor; but desires your lordships to recall the several states and conditions of those you now hear. The king's counsel speak for the king's advantage, as glossers and parties; but the condition of the other gentlemen is this, that as they are members of the

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house of commons, and so bound to speak truth, and by a strict oath, to maintain the king's rights and pre-eminence: and therefore your lordships had good cause to put a value upon them, and what they say accordingly. Here he fell upon the resolution of the judges, in 34 Eliz.; which, he said, stuck with many, and was pressed by Mr. Attorney, as drawing on his side; and was also so pressed at the King's-bench. It is true, a fuller perspicuity might by care have been delivered therein; yet what is in it, he said, concludes for the Resolution of the commons. He instanced in one point: they may not be delivered by any court without trial at law; now, no trial where no cause: but in that case the matter is unintelligible. Quis & quare, are two questions. It is one question *who*, but another *why* they are committed. Then he said, there was indeed a sort of reply in that of 13 Jac. Russel's case: but that it was not Russel's case, but an omni-gatherum of 3 or 4 cases full of mistakes. It mentions Harcourt, 40 Eliz. to have been bailed by command of the queen or council, and not a word thereof was true: it speaks of a letter filed in the crown office; but no letter was ever there filed: it cites the case of 34 and 36 Eliz. In one word, Ουδέν, for there was nothing found in all this imaginary report. As for the Journals of the lower house, in 18 Jac. they are good records, so far as they are Journals of Orders and Resolutions: but as for things catched at by clerks, out of the mouths of men, they are declared long since to be of no authority; and the house doth generally conceive, that this particular is a mistake of the clerk"—And here ended Mr. Selden.

" Sir *Ed. Coke* put your lordships in mind, that you had the greatest cause in hand, that ever came into the Hall of Westminster, or, indeed, into any parliament. My lords, said he, your noble ancestors, whose places you hold, were parties to Magna Charta; so called for weight and substance, for, otherwise, many other statutes are greater in bulk; as Alexander, a little man, called magnus for his courage. And you, my lords, the bishops, said he, are commanded fulminare, to thunder out your anathemas against all infringers of Magna Charta. (Sententia lata super Chartas). And all the worthy judges that deserved their places, have ever had Magna Charta in great estimation. Now, as Justice hath a sword, so it hath a balance, 'Ponderat hæc causas, percutit ille reos.' Put together, my noble lords, in one balance 7 acts of parliament, records, precedents, reasons, all that we have spoken, and that of 18 Edw. 3. whereto I found no answer; and, in God's name, put into the other balance what Mr. Attorney hath said, his wit, learning, and great endowments of nature; and, if he be weightier, let him have it; if not, then conclude with us. You are involved in the same danger with us; and therefore, we desire you, in the name of the commons of England, represented in us, that we might have cause to give God and the king thanks for your justice, in complying with us."—And here rested sir E. Coke.

" Mr. *Attorney* summed up the argument. He observed, That many things and much matter had been uttered by the gentlemen of the commons: that to run over it all would spend much time; he would therefore observe some principal things wherein he and they did not differ. 1. 'It was agreed the king may commit. 2. It was agreed the statutes were in force. But how this lex terræ is to be expounded, is the main apple of contention. If the cause be sufficiently expressed generally, then mandatum domini regis is a sufficient expression. To reduce this to the judicature of the judges, is to presuppose, not state the question. That the king hath an unlimited power, is not the state of the question: for then the king might imprison perpetually, be the cause right or wrong. Whether there be that necessity of expressing the cause, upon commitment or no, is a great part of the controversy. It was granted by one, that there may be a cause of an extraordinary nature, as O'Donnel's; but the rule of the house of commons is a new mathematical line, that admits of no latitude at all. To say subjects may be perpetually imprisoned, or without any cause, is no intention of the king. On the contrary side, to tie the king's command to the rule of his judges, and leave no latitude or breadth at all to turn him in, is a variation wherein your lordships wisdom must appear, to smooth and facilitate the roughness of the passage. He recommended all to your wisdoms to weigh (as sir Ed. Coke desired) in an equal balance, reasons, precedents, and resolutions of judges. This manifesto of the commons takes the matter upon great advantage, as resolved by that body; but this is our comfort that are counsel for the king, that you are all now counsellors of the king and kingdom. If all can be so ordered, as you shall not destroy the rights of the king, and shall favour the liberties of the subject as the cause requires, Mr. Attorney hath the utmost of his desires."—And here he ended.

" Mr. *Noye* hereto rejoined, 'The king might commit for a cause, not without: this was agreed on both sides. But Mr. Attorney said, He was not bound to express the cause. To which it was replied, That the judges are to judge between him and his people: ergo, no cause, no judgment; and therefore the king ought not to commit for any time; no, not an hour, without a cause; and that there was no cause."

Serjeant Ashley ordered into Custody, for Words spoken at the Conference on the Liberty of the Subject.] Thus ended this long Report. When Mr. Serjeant Ashley had done speaking at the conference, in which he was of counsel for the crown, the lord president told the committee of the commons, That the serjeant had no authority, from their lordships, as to what he advanced in his argument, (see p. 315.) But the matter rested not here; for the doctrine advanced by this gentleman

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seemed so unconstitutional, that he was ordered into custody. And, on the 21st of April, a Petition of Mr. Serjeant Ashley was read to the lords, expressing his sorrow for the displeasure he had given their lordships, and humbly desiring to be admitted the recognition enjoined him. Hereupon he was ordered to be brought to the bar; where, kneeling, he made his submission, and humbly asked forgiveness for his fault, and was discharged out of custody.

Afterwards the lords went into a committee on the Liberty of the Subject. The house being resumed, it was agreed, as a general conclusion, 'That a commitment by the king, or his council, is good in point of authority; and, if the cause of commitment be just, then it is good for the matter. But these two concessions shall no way prejudice the king's authority, nor yet the Propositions of the house of commons.'

A further Conference relating to the Liberty of the Subject.] April 23. The lords agreed to have another conference with the other house on this subject; 'That they concur with the commons in their desire of all just liberties to the subject, but they do find it fit and necessary also to preserve the just prerogative of the king; and, to that end, that both houses might agree therein, this conference was desired.' This proposal was accepted by the commons, and a conference began which lasted two days. On the 25th, the abp. of Canterbury, from the committee of lords appointed for this business, reported, 'That they agreed on a further conference with the commons, in which they intended to offer some Propositions to them, which they had liberty to alter, add, or diminish as they thought proper: to shew them that the lords were neither out of love with their Propositions, nor in love with their own.'

The Lords Propositions thereupon.] The said Propositions were then read in these words, viz.

"I. That his maj. would be pleased graciously to declare, That the good old law called Magna Charta, and the six statutes, conceived to be declarations or explanations of that law, do still stand in force to all intents and purposes. II. That his maj. would be pleased graciously to declare, That, according to Magna Charta, and the statutes aforenamed, as also according to the most antient customs and laws of this land, every free subject of this realm hath a fundamental Property in his goods, and a fundamental Liberty of his person. III. That his maj. would be pleased graciously to declare, That it is his royal pleasure to ratify and confirm unto all and every his loyal and faithful subjects, all their several, antient, just liberties, privileges, and rights, in as ample and beneficial manner, to all intents and purposes, as their ancestors did enjoy the same under the best of his majesty's most noble progenitors. IV. That his maj. would be further pleased, graciously, to declare, for the good contentment of his loyal subjects, and for the securing them from future fears, That, in all cases, within the cognizance of the common law concerning the Liberty of the Subject, his maj. would proceed according to the common law of this land, and according to the laws established in this kingdom, and in no other manner or wise. V. And as touching his majesty's royal prerogative, incident to his sovereignty, and intrusted him from God, 'ad communem totius populi salutem, et non ad destructionem,' That his maj. would resolve not to use or divert the same, to the prejudice of any of his loyal people in the Property of their goods, or Liberty of their persons: and in case, for the security of his majesty's royal person, the common safety of his people, or the peaceable government of his kingdom, his maj. shall find just cause, for reason of state, to imprison or restrain any man's person, his maj. would graciously declare, That, within a convenient time, he shall and will express the cause of the commitment or restraint, either general or special; and upon a cause so expressed, will leave him immediately to be tried according to the common justice of the kingdom."

The Abp. of Canterbury's Speech at the Conference.] The conference being agreed on, the abp. of Canterbury began it with this short speech.—

"Gentlemen of the house of commons; The service of the king and safety of the kingdom, do call upon my lords to give all convenient expedition, to dispatch some of the great and weighty businesses that are before us. For the better effecting whereof my lords have thought fit to let you know, that they do, in general, agree with you; and doubt not but you will agree with us, to the best of your powers, to maintain and support the fundamental laws of the kingdom, and the fundamental Liberties of the Subject: for the particulars, which may hereafter fall into debate, they have given me in charge to let you know, that what hath been presented by you unto their lordships, they have laid nothing of it by; they are not out of love with any thing that you have tendered unto them; they have voted nothing, neither are they in love with any thing proceeding from themselves: for that which we shall say and propose, is out of intendment to invite you to a mutual and free conference; that you with confidence may come to us, and we with confidence may speak with you; so that we may come to a conclusion of those things which we both unanimously desire. We have resolved of nothing, designed nothing, nor determined nothing; but desire to take you with us, praying help from you, as you have done from us. My lords have thought of some Propositions, which they have ordered to be read here, and then left with you in writing; that if it seem good to you, we may uniformly concur for the substance; and, if you differ, that you would be pleased to put out, add, alter, or diminish, as you shall think fit; that so we may come the better to this end, which we do both so desirously embrace,"

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The foregoing Propositions were then read to the commons, and afterwards the abp. told them, what had been before agreed on about adding or diminishing of them; to which, one of the committee,

Sir *Dudley Diggs* made this reply; "My Lords, It hath pleased God, many ways, to bless the knights, citizens, and burgesses, now assembled in parliament, with great comfort and strong hopes, that this will prove as happy a parliament as ever was in England. And in their consultations for the service of his maj. and the safety of this kingdom, these special comforts and strong hopes have risen from the continued good respect which your lordships so nobly, from time to time, have been pleased to shew unto them; particularly at this present, in your so honourable professions to agree with them in general, and desiring to maintain and support the fundamental laws and liberties of England. The commons have commanded me, in like sort, to assure your lordships they have been, are, and will be, as ready to propugn the just prerogative of his maj.; of which, in all their arguments, searches of records, and resolutions, they have been most careful, according to that which formerly was, and now again is, protested by them. Another noble argument of your honourable disposition towards them is expressed in this; That you are pleased to expect no present Answer from them, who are, as your lordships in your great wisdoms no doubt have considered, a great body that must advise upon all new propositions; and resolve upon them, before they can give answer, according to the ancient order of their house. But, it is manifest, in general (God be thanked for it) there is a great concurrence of affection to the same end in both houses; and such good harmony, that I intreat your lordships leave to borrow a comparison from nature, or natural philosophy: as two lutes, well strung and tuned, brought together; if one be played on, little straws or sticks will stir upon the other, though it lye still; so though we have no power to reply, yet these things said and propounded cannot but work in our hearts; and we will faithfully report these passages to our house, from whence, in due time, we hope your lordships shall receive a contentful answer."—However, the commons were not satisfied with these Propositions, which were conceived to choak the Petition of Right, then under consideration; but demurred upon them.

The King's Speech by the Lord Keeper, desiring the Parliament to rely on his Royal Word for their Liberties.] This great affair stood thus, between the two houses, till April 28th, when the king came to the house of lords, and, sending for the Speaker, with the commons to attend him, he said, "My lords, I have given commandment to my lord-keeper to speak somewhat unto you in my name, trusting to his voice rather than my own." The Lord-Keeper, having first conferred with his majesty, said:

"My lords, and ye the knights, citizens, and burgesses of the house of commons; Ye cannot but remember the great and important affairs, concerning the safety both of state and religion, declared first from his majesty's own mouth, to be the causes of the assembling of this parliament: the sense whereof, as it doth daily increase with his maj. so it ought to do, and his maj. doubts not, but it doth, with you; since the danger increaseth every day, both by effluxion of time, and preparations of the enemy.—Yet his maj. doth well weigh, that this expence of time hath been occasioned by the Debate, which hath arisen in both houses, touching the Liberty of the Subject, in which, as his maj. takes in good part the purpose and intent of the houses, so clearly and frequently professed, that they would not diminish or blemish his just prerogative; so he presumes, that ye will all confess it a point of extraordinary grace and justice in him, to suffer it to rest so long in dispute without interruption. But now his maj. considering the length of time which it hath already taken, and fearing nothing so much as any future loss of that whereof every hour and minute is so precious; and foreseeing that the ordinary way of debate, though never so carefully husbanded, must, in regard of the forms of both houses, necessarily take more time than the affairs of Christendom can permit; his majesty, out of his great and princely care, hath thought of this expedient to shorten the business, by declaring the clearness of his own heart and intention: and therefore hath commanded me to let you know, That he holdeth the statute of Magna Charta, and the other six statutes insisted upon for the subjects' liberty, to be all in force; and assures you, that he will maintain all his subjects in the just freedom of their persons, and safety of their estates; and that he will govern according to the laws and statutes of this realm; and that you shall find as much security in his majesty's Royal Word and Promise, as in the strength of any law ye can make; so that hereafter ye shall never have cause to complain.—The conclusion is, That his maj. prayeth God, who hath hitherto blessed this kingdom, and put it into his heart to come to you this day, to make the success happy both to king and people; and therefore he desires, that no doubt or distrust may possess any man, but that ye will all proceed unanimously to his business."

Debate in the Commons on the King's Speech.] This being spoken, his maj. departed, and the lord-keeper ordered that a copy of it should be sent to the commons.—After the return of that body to their own house, Rushworth informs us that

Mr. Secretary *Cooke* made the following speech, in order to persuade them to comply with the king's desires: "His maj. puts us in mind of the great and important affairs of the state, and of his sense thereof, that by effluxion of time increaseth in him, and he doubts not but that it doth increase in us. Ye see his maj.'s moderation in the interpretation of all our actions; he saith, that he hopes we have the same

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sense he hath of the expence of time, that grew from the debates in both houses. We see how indulgent he is, that however the affairs of Christendom are great, yet he omits not this; nay, he takes in good part our proceedings and our declarations that we will not impeach the prerogative: also his maj. presumes that we will confess, that he hath used extraordinary grace, in that he hath endured dispute so long, yet he acknowledgeth it justice to stand as we have done.—However, out of a princely regard to the public, he is careful no more time be lost; and because he sees some extraordinary course must be taken to satisfy us, he observes, that in the form of the debate, such a length is required, as the urgent nature of his business will not possibly endure. It is to be presumed, that his government will be according to the laws: we cannot but remember what his father said, 'He is no king, but a tyrant, that governs not by law;' but this kingdom is to be governed by the common law, and his maj. assures us so much; the interpretation is left to the judges, and to his great council, and all is to be regulated by the common law: I mean not Magna Charta only, for that Magna Charta was part of the common law and the antient law of this kingdom; all our difference is in the application of this law; and how this law, with difference, is derived into every court. I conceive there are two rules, the one of brass, that is rigid, and will not bend, and that is the law of the King's-bench; this law will not bend, and when it lights on subjects fitting, if it do not bend, it is unjust: and there comes in the law of chancery and equity; this is application of law in private men's causes, when it comes to meum & tuum. And thus the general government of cases, with relation to the common state of the kingdom, is from the council-board; and there they may vary from the law of the kingdom: suppose it be in time of dearth, any man's goods may in that time be forced, and be brought to the market: we saw the experience of it in coals in London, when the council-board caused them to be brought forth and sold. In a time of pestilence men may be restrained: if a schism be like to grow in a church, the state will inquire after the favourers of it: if there be fear of invasion, and it be encouraged by hope of a party amongst us, it is in the power of government to restrain men to their houses.—In the composure of these things, there is great difference: what differences have been between the courts of chancery and King's-bench? it is hard to put true difference between the king's prerogative and our liberties. His maj. saw expence of time would be prejudicial. It pleased God to move his maj. by a divine hand, to shew us a way to clear all our difficulties; let us attend to all the parts of it; there be 5 degrees; and there is more assurance than we could have by any law whatsoever, his maj. declares, that Magna Charta and the other statutes are in force. This is not the first time that the Liberty of the Subject was infringed, or was in debate and confirmed. All times thought it safe, that when they came to a negative of power, it was hard to keep government and liberty together: yet his maj. stopped not there; but, according to the sense of these laws, that he will govern his subjects in their just liberties, he assures us our liberties are just; they are not of grace but of right; nay, he assures us he will govern us according to the laws of the realm, and that we shall find as much security in his maj.'s promise, as in any law we can make; and whatsoever law we shall make, it must come to his maj.'s allowance: and if his maj. find cause in his government, he need not put life to it: we daily see all laws are broken, and all laws will be broken for the public good; and the king may pardon all offenders; his maj. did see, that the best way to settle all at unity, is to express his own heart: the king's heart is the best guider of his own promise, his promise is bound with his own heart. What prince can express more care and wisdom?—Lastly, he saith, that hereafter ye shall never have the like cause to complain: may we not think the breach is made up? is not his maj. engaged in his royal word?—The conclusion is full of weight: and he prays God, that as God hath blessed this kingdom and put it into his heart to come amongst us, so to make this day successful. 'The wrath of a king is like the roaring of a lion,' and all laws, with his wrath, are of no effect: but 'The king's favour is like the dew upon the grass,' there all will prosper; and may God make him the instrument to unite all our hearts.—His maj. having thus discharged himself, he prays us to proceed to the business that so much concerns him. As his maj. hath now shewed himself the best of kings, let us acknowledge his maj.'s goodness, and return to that union which we all desired."

Sir *Benj. Rudyard* replied:* "We are now upon a business of great importance, and the manner of handling it may be as great as even the business itself. Liberty is a precious thing, for every man may set his own price upon it, and he that doth not value it, deserves to be valued accordingly. For my own part, I am clear without scruple, that what we have resolved is according to law; and if any judge in England were of a contrary opinion, I am sure we should have heard of him before now. Out of all question the very point, the scope and drift of Magna Charta was, to reduce the regal to a legal power in matters of imprisonment, or else it had not been worth so much contending for. But there have been precedents brought to prove the practice and interpretation of the law. I confess I have heard many precedents of utility and respect, but none at all of truth or of law: certainly there is no court of justice in England, that will discharge a prisoner committed by the king, rege inconsulto, i. e.

* From a MS. in the Harleian Library. There is an incorrect copy of it in the Ephemeris: it is also in Rushworth, but some paragraphs are there omitted.

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without acquainting the king; yet this good manners was never made or mentioned as a legal part of the delivery. It is objected, that the king ought to have a trust left and reposed in him; God forbid, but he should: and I hope it is impossible to take it from him; for it lies not in the wit of man to devise such a law, as shall be able to comprehend all particulars, all accidents, but that extraordinary cases must happen; which when they come, if they be conducted for the common good, there will be no law against them; yet must the law be general, for otherwise admissions and exceptions will fret and eat out the law to nothing. God himself hath constituted a general law of nature to govern the ordinary course of things; but he hath made no laws for miracles: yet there is this observation of them, that they are rather 'præter naturam' than 'contra naturam,' and always 'propter bonos fines,' so likewise the king's prerogatives are rather beside the law than against it; and when they are directed to right ends for the public good, they are not only concurring laws, but even laws of singularity and excellency.— But to come nearer, let us consider where we are now, and what steps we have gone and gained: the king's learned counsel have acknowledged all the laws to be still in force, the judges have disallowed any judgment against these laws, the lords also have confessed that the laws are in full strength; they have further retained our resolutions entire and without prejudice: all this hitherto is for our advantage; but above all, his maj. himself, being publickly present, hath this day declared, by the mouth of my lord-keeper, before both houses, that Magna Charta, and the other six statutes are yet in force; that he will maintain his subjects in the liberty of their persons and the property of their goods, and that he will govern according to the laws of this kingdom. This is a solemn and binding satisfaction, expressing his gracious readiness to comply with his people in all their reasonable and just desires. The king is a good man, and it is no diminution to him to be called so; for whosoever is a good man shall be greater than a king that is not so. The king certainly is exceeding tender of his present honour and of his fame hereafter; he will think it hard to have a worse mark set upon him and his government, than any of his ancestors by extraordinary restraints: his maj. hath already intimated unto us, by a message, That he doth willingly give way to have the abuse of power reformed; by which I do verily believe, that he doth very well understand what a miserable power it is, which hath produced so much weakness to himself and to the kingdom; and it is our happiness that he is so forward to redress it. For my own part, I shall be very glad to see that good, old, decrepid law of Magna Charta, which hath been so long kept in and lain bed-rid as it were; I should be glad, I say, to see it walk abroad again, with new vigour and lustre, attended by the other six statutes. For, questionless, it will be a general heartening to all. I doubt not, but by a free conference with the lords, we shall happily fall upon a fair and fit accommodation, concerning the liberty of our persons, and property of our goods. I hope we shall have a bill to agree in the point against imprisonment for Loans, or privy-seals; but as for intrinsical power and reasons of state, they are matters in the clouds; where I desire we may leave them and not meddle in them at all; least, by way of admittance, we may lose somewhat of that which is our own already. Yet this, by the way, I will say of reason of state, that, in the latitude it is used, it hath eaten out almost not only all the laws, but all the religion of Christendom. Now, Mr. Speaker, I will only remember you of one precept, and that of the wisest man; 'Be not over-wise, be not over-just,' and he cited his reason; 'For why wilt thou be desolate.' Sir, if justice and wisdom may be stretched to desolation, let us thereby learn, that moderation is the virtue of virtues and the wisdom of wisdoms. Let it be our masterpiece so to carry our business, as we may keep parliaments on foot; for, as long as they are frequent, there will be no irregular power; which, though it cannot be broken at once, yet, in a short time, will be made weaker and moulder away. There can be no total and final loss of liberty but by loss of parliaments; for as long as they last, what we cannot get at one time, we may get at another. Let no man think that what I have said is the language of a private end. My aim is only for the good success of the whole; for, I thank God, my mind stands above any fortune that is to be gotten by base or unworthy means. No man is bound to be rich, or great; no, nor to be wise: but every man is bound to be honest. Out of my heart I have spoken.'

Debate on a Bill for securing the Liberty of the Subject, &c.] Upon question, it was then ordered, That a select committee be named, of some lawyers, and others of the house, for the present framing of a bill, therein expressing the substance of the statutes of Magna Charta, and the other statutes, and of the Resolutions made in this house concerning the Liberty of the Subjects in their Persons and Estates, without one negative. Of the speeches on this occasion we meet with only the two following, which we copy from the 'Ephemeris Parliamentaria.'

Mr. *Hackwell* spoke as follows. "Mr. Speaker, I chose rather to discover my weakness by speaking, than to betray my conscience by silence: my opinion is, that we shall do well totally to omit our Resolutions out of this bill (see p. 280), and rely only upon a confirmation of the laws. The objections made against this opinion are two. 1. That we shall thereby recede from our own Resolutions. 2. That, by a bare confirmation of the old laws, without the inserting of our Resolutions by way of explanation, we shall be but in the same case as before. For the 1st, that though we desire only a confirmation, without adding of our resolutions, we do not thereby recede from

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our resolutions, I reason thus: our resolutions were drawn out of the sense of those laws, which are now desired to be confirmed; so that no question can be made by any of us, that have thus declared ourselves, but that our resolutions are virtually contained in those laws; if that be so, how can our acceptance of a confirmation of those laws be a departure from our resolutions? Nay, rather, I think the contrary is true: he who doubts, that by confirmation of these laws, our resolutions are not hereby confirmed, doubts whether we have justly deduced our resolutions out of those laws, and so calls our resolutions into question. The 2nd objection is, That, if we have nothing but a confirmation, we are in no better case than we were before these late violations of the law. This I deny, and do confidently affirm, That, although we have no more than a confirmation of those laws, which are recited in the bill that is now before us, we shall depart hence in far better case than we came; and that in divers respects. 1st, Some of the laws recited in this bill, and desired to be confirmed, are not printed laws; they are known to few professors of the law, and much less to others; and yet they are laws of as great consequence to the Liberty of the Subject, if not of greater, than any that are printed; as namely, 25 Ed. 3. N. 1. that Loans, against the will of the lender, are against reason and the freedom of the realm; and 36 Edw. 3. N. 9. by which Imprisonments by special commandment, without due process, are forbidden. These two are not printed. That excellent law, 'De Tallagio non concedendo,' in print, hath, in a public court, been said by a great counsellor to be but a charter and no law. The statute, 1 Rich. 3. against Benevolences, is, by some opinions in print, an absolute law. If we can get all these good laws, besides those six others, which are expositions of Magna Charta, in the point of the freedom of our persons, to be confirmed and put in one law to the easy view of all men, is not our case far better than when we came hither? 2ndly, Will not the occasion of the making of this law of confirmation, so notoriously known, be transmitted to all posterity? Certainly it will never be forgotten, that the occasion thereof was the imprisonment of those worthy gentlemen for not lending, and the resolution in the court of King's-bench of denying to bail them: and is not the occasion of making of a law a good rule to expound it? If so, then, by giving a confirmation upon this occasion we have bettered our case very much. 3dly, Have not the judges in the King's-bench, in open parliament, upon our complaint, disclaimed to have given any judgment in the point? Which, generally before, by the parliament was otherwise conceived; for now they say, it was but an award and no judgment (see p. 289): will such a notorious act, upon so important an occasion, and in so public a place, be quickly forgotten? Nay, will not the memory of it for ever remain upon record? Is not our case then much better than when we came hither. 4thly, Will not the Resolution of this house, and all our arguments and reasons against Imprisonment, without a cause expressed, (which, no doubt, by the course we have taken, will be transferred to posterity,) be a great means to stay any judge hereafter from declaring any judgment to the contrary; and especially if there be a likelihood of the meeting of a parliament? Is not our case in this very much amended? Lastly, have not we received Propositions from the lords, wherein, amongst other things, they declared, that they are not out of love with our proceedings? Is not this a great strengthening to it? But, after so long debate amongst them about it, they cannot take any just exception to it: and doth not this also much amend our case? From all these reasons, I conclude, That the second objection is also a weak objection. Now for reasons to move us to proceed in this course of accepting a confirmation; 1st, We have his majesty's gracious promise to yield to a confirmation of the old laws, from which we may rest most assured he will not depart: if we tender him, withal, our Resolutions to be enacted, we have no cause to doubt that we shall lose both the one and the other. And, 2ndly, we are no less assured of the lords joining with us; for, in their Propositions sent to us, they have delivered themselves to that purpose: this is then a secure way of getting somewhat of great advantage to us, as we have great hopes, and in a manner, assurance on this side; so, on the other side, we have great doubts and fears, that by offering our resolutions to be enacted, we shall lose all. For, 1st. We have had already experience of the lords, that they are not very forward to join with us in a declaration of our Resolutions to be law. If they stumble at a declaration, much more will they in yielding to make a law in the same point. And, have we not much more cause to doubt that his maj. will not yield unto it, seeing it toucheth him so near? Is it not the notice of his pleasure that hath wrought thus with the lords? If we should clog the bill with our Resolutions, and it should be rejected by the lords, or by the king, are not our resolutions much weakened by it? and are we not then in far worse case than before we made them? and if they resolve to reject our resolutions, will it not tend to a justification of all that hath been done against us in this great point of our liberty? Let us then, like wise men, conform our desires to our hopes and guide our hopes by probabilities; for other desires and other hopes are but vain. This is my poor opinion in this weighty business.'

Mr. *Mason* spoke as follows: 'Mr. Speaker, I am of opinion, that in our proceedings in the matter now in debate, we should make use of the title of a statute, called 'circumspecte agatis;' for it concerns the liberty of our persons, without which we do not enjoy our lives. The question is, Whether in this bill, for the explanation of Magna Charta and the rest of the statutes, we shall provide that the cause of the commitment must be expressed upon the

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commitment, or upon the return of the Habeas Corpus? Before I speak to the question itself, I shall propose some observations, in my concert, necessarily conducing to the debate of the matter. 1. That we ought to take care to provide for posterity, as our predecessors have done for us: and that this provident care cannot be expounded to be any distrust of the performance of his majesty's gracious declaration; this act providing for perpetuity, to which his highness's promise, unless it were by act of parliament, cannot extend. 2. That we having long debated, and solemnly resolved, our rights and privileges by virtue of these statutes; if we, now, shall reduce those Declarations and those Resolutions into one act, we must ever hereafter expect to be confined within the bounds of that act; it being made, at our suit, to be the limits of the prerogative in that respect; and it being an act of explanation, which shall receive no further explanation than itself contains. 3. That by this act we must provide a remedy against the persons which detain us in prison, for as to the commander there can be nothing certain.—Concerning the question itself: It hath been solemnly and clearly resolved by the house, That the commitment of a freeman, without expressing the cause, at the time of the commitment, is against the law. If, by this act of explanation, we shall provide only that the cause ought to be expressed upon the return of the H. Corpus; then, out of the words of the statute, it will necessarily be inferred, that before the return of the H. Corpus the cause need not to be expressed, because the statute hath appointed the time of the expression of the cause; and it will be construed, that if the makers of the statutes had intended that the cause should have been sooner shewn, they would have provided for it by the act; and then the act, which we term an act of explanation, would be an act for the abridging of Magna Charta and the rest of the statutes: Or, if this act do not make the commitment without expressing the cause to be lawful, yet it will clearly amount to a toleration of the commitment, without expressing the cause until the return of the H. Corpus; or be a general or perpetual dispensation, beginning with, and continuing as long as the law itself. And, in my understanding, the words of this intended law, (that no freeman ought to be committed without cause) can noways advantage us, or satisfy this objection; for, till the return of the H. Corpus, he that commits is judge of the cause, or at least hath a license, by this law, till that time to conceal the cause; and the gaoler is not subject to any action for the detaining of the prisoner upon such command; for if the prisoner demand the cause of his commitment of the gaoler, it will be a safe answer for him to say, that he detains the prisoner by warrant, and that it belongs not unto him to desire those who commit the prisoner to shew the cause, until he returns the H. Corpus; and if the prisoner be a suitor to know the cause from those that committed him, it will be a sufficient answer for them to say, they will express the cause at the return of the H. Corpus. In this case there will be a wrong, because the commitment is without cause expressed; and one that suffers that wrong, viz. the party imprisoned; and yet no such wrong-doer but may excuse, if not justify himself, by this law. In making of laws we must consider the Inconveniences which may ensue, and provide for the prevention of them, 'lex caveat de futuris.' I have taken into my thoughts some few Inconveniences, which I shall expose to your considerations; not imagining that these can happen in the time of our present gracious sovereign; but, in acts of parl. we must provide for the prevention of all inconveniences in future times. 1. If a man be in danger to be imprisoned in the beginning of a long vacation, for refusing to pay some small sum of money; and knows that, by this act, he can have no enlargement till the return of the H. Corpus in the term; and that the charge of his being in prison and of his enlargement by H. Corpus, will amount to more than the sum, he will part with money to prevent his imprisonment, or to redeem himself thence; because he cannot say any man doth him wrong, until the return of the H. Corpus; and the law resolves a man will pay a fine rather than be imprisoned; for the judgment which is given when one is fined, is ideo capiatur, and the highest execution for debt is a capias ad satisfaciendum, the law presuming any man will part with his money to gain his liberty: and if the prisoner procure an H. Corpus, and be brought into the King's-bench by virtue of it, yet the cause need not to be then expressed; the provision of this law being, that if no cause be then expressed, he shall be bailed: and no cause being shewn upon the return of the H. Corpus, yet it may be pretended, that, at the time of his commitment, there were strong presumptions of some great offence; but, upon farther examination, they are cleared: or it may be said, that the offence was of that nature, that the time of his imprisonment, before the return of the H. Corpus, was a sufficient punishment: so we may be frequently imprisoned in this manner, and never understand the cause; and have often such punishments, and have no means to justify ourselves: and for all these proceedings, this very law will be the justification or colour. 2. If by this act there be a toleration of imprisonment, without shewing cause until the return of the Habeas Corpus; yet it is possible to accompany that imprisonment with such circumstances of close restraint, and others which I forbear to express, as may make an imprisonment, for that short time, as great a punishment as a perpetual imprisonment in the ordinary manner. 3. The party may be imprisoned a long time before he shall come to be delivered by this law; the place of his imprisonment may be in the furthest parts of this kingdom; the judges always make the return of the H. Corpus answerable to the distance of the prison

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from Westminster; the gaoler may neglect the return of the first process, and then the party must procure an alias; the gaoler may be then in some other employment for the king, and excuse the not returning the body upon that process; and this may make the imprisonment for a year; and, in the end, no cause being returned, the party may be discharged: but in the mean time he shall have suffered imprisonment; he shall never know the cause; he shall have no remedy for it; nor be able to question any for injustice, which have not a justification, or excuse by this law. 4. The party may be imprisoned during his life, and yet there shall be no cause ever shewn. I will instance in this manner. A man may be committed to the farthest part of the kingdom westward; he obtains an H. Corpus; before the gaoler receives the H. Corpus, or before he returns it, the prisoner by warrant is removed from that prison to another, it may be the furthest northern part of the realm; the first gaoler returns the special matter, which will be sufficient to free himself; and in like manner the prisoner may be translated from one prison to another, and his whole life shall be a peregrination, or wayfairing from one gaol to another; yet he shall never know the cause, nor be able to complain of any who cannot defend their actions by this bill. 5. If the prisoner be brought into the court by H. Corpus, and no cause expressed, and thereupon he be enlarged, he may be presently committed again; and then his enlargement shall only make way for his commitment, and this may continue during his life, and he shall never know the cause; and this not remedied, but rather permitted by this act.—And there are also many things to be considered in this matter; the expence of the party in prison, his fees to the gaoler, his costs in obtaining and prosecuting an H. Corpus, and his charges in removing himself, attended with such as have the charge of his conduct; and all this the prisoner must sustain without any satisfaction, or knowing the cause. —The only reason given by those of the other opinion, (that it is requisite the king and council should have power to command the detainer of a man in prison for some time, without expressing the cause) is, because it is supposed that the manifestation of the cause, at first, may prevent the discovery of a treason. The reason is answered by the remedy proposed by this act; it being proposed, that it shall be provided by this bill, that upon our commitment, we may have instantly recourse to the chancery for an H. Corpus returnable in that court, which is always open, that presently upon the receipt thereof the writ must be returned, and the cause thereupon expressed. If then this remedy be really intended, the cause of commitment must presently appear; which contradicts the former reason of state. —And, in my opinion, we ought not only to take care that the subject should be delivered out of prison, but to prevent his imprisonment; the statute of Magna Charta, and the rest of the acts, providing that no man should be imprisoned but by the law of the land. And although the king or council, as it hath been objected, by might, may commit us without cause, notwithstanding any laws we can make; yet I am sure, without such an act of parl. such commitment can have no legal colour; and I would be loth we should make a law to endanger ourselves: for which reasons I conceive, that, there being so many ways to evade this act, we shall be in worse case by it than without it; since it provides no remedy to prevent our imprisonment without expressing the cause to be lawful; and administers excuses for continuing us in prison, as I have before declared; and thus, by providing for one particular, out of reason of state, which possibly may fall out in an age or two, we shall spring a leak which may sink all our liberties; and open a gap, through which Magna Charta, and the rest of the statutes, may issue out and vanish. I therefore conclude, that, in my poor understanding, (which I submit to better judgment) I had rather depend upon our former Resolutions, and the king's gracious declarations, than to pass an act in such manner as hath been proposed."

The King's Message to the Commons to rely on his Word.] May 1. Mr. Secretary *Cooke* delivered to the house the following Message from the king:—

"Mr. Speaker; I have a very short message to deliver from his maj. that shews both his royal care to be rightly understood of this house, and no less care to understand us in the best part; and to shew clearly it shall not be his fault if this be not a happy parliament, his majesty hath commanded me to desire this house clearly to let him know, Whether they will rest upon his Royal Word and Promise, made at several times, and especially by my lord-keeper's speech made in his own presence; which, if they do, he doth assure you, that it shall be really and royally performed." —Upon this there was a silence for some time. Then

Mr. Secretary *Cooke* proceeded thus:— 'This silence invites me to a further speech, and further to address myself. Now we see we must grow towards an issue: for my part, how confident I have been of the good issue of this parliament I have certified in this place and elsewhere; and I am still confident therein. I know his maj. is resolved to do as much as ever king did for his subjects: all this debate hath grown out of a sense of our sufferings, and a desire to make up again those breaches that have been made. Since this parliament began, hath there been any dispence made like that which hath formerly been? When means were denied his maj. being a young king and newly come to the crown, which he found engaged in a war, what could we expect in such necessities? His maj. has called this parliament to make up the breach: his maj. assures us we shall not have the like cause to complain: he assures us the

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law shall be established: what can we desire more? All is, that we provide for posterity, and that we do prevent the like suffering for the future. Were not the same means provided by them before us? Can we do more? We are come to the Liberty of the Subjects, and Prerogative of the King; I hope we shall not add any thing to ourselves to depress him. I will not divine; yet I think we shall find difficulty herein with the king, nay perhaps with the lords: I shall not deliver my opinion as counsellor to his maj. which I will not justify and say here, or at the council-board. Will we in this necessity strive to bring ourselves into a better condition, and greater liberty than our fathers had, and the crown into a worse than ever? I dare not advise his maj. to admit of that. If this that we now desire to be, be no innovation, it is all contained in those acts and statutes; and whatsoever else we will add more, is a diminution to the king's power, and an addition to our own. We deal with a wise and valiant prince that hath a sword in his hand for our good; and this good is supported by power. Do not think that, by cases of law and debate, we can make that to be no law; which, in experience, we every day find necessary, make what law you will. Government is a solid thing, and must be supported for our good.—Give me leave freely to tell you, that I know by experience, that, by the place I hold under his majesty, if I will discharge the duty of my place and the oath I have taken to his majesty, I must commit; and neither express the cause to the gaoler nor to the judges, nor to any counsellor in England, but to the king himself; yet do not think I go without ground or reason, or take this power committed to me to be unlimited: yea, to me, it is rather a charge, burden, and danger; for if I, by this power, shall commit the poorest porter, if it appear I do it not upon a just cause, the burden will fall upon me heavier than the law can inflict; for I shall lose my credit with his maj. and also my place. And I beseech you consider, whether those that have been in the same place have not committed freely; and not any doubt made of it, nor any complaint made by the subject.'

Debate on the King's Message.] Sir *Rob. Philips* said, 'If the words of kings strike impressions in the hearts of subjects, then do these words, upon this occasion, strike an impression into the hearts of us all: to speak in a plain language, we are now come to the end of our journey; and the well disposing of an Answer to this Message, will give happiness or misery to this kingdom. Let us set the common-wealth of England before the eyes of his maj. that we may justify ourselves, that we have demeaned ourselves dutifully to his majesty.'

May 2. The commons debated further upon this matter, in a grand committee; Mr. Herbert in the chair; the key to be brought to the table, and no member to go out without leave. Some said, 'The subject has suffered more in the violation of antient liberties, within these few years, than in 300 years before, and therefore care ought to be taken for the time to come.'

Sir *Edw. Coke* said, 'That that Royal Word had reference to some message formerly sent: his majesty's word was, That they may secure themselves any way, by bill, or otherwise, and he promised to give way to it: and to the end that this might not touch his majesty's honour it was proposed, that the bill come not from this house, but from the king: 'We will and grant, for us and our successors, that we and our successors will do thus and thus.' And it is to the king's honour that he cannot speak but by record.'

Others desired the house to consider, when and where the late promise was made: was it not in the face of both houses? Cruel kings have been careful to perform their promises; yea, though they have been unlawful, as Herod: therefore, if we rest upon his majesty's promise, we may assure ourselves of the performance of it. Besides, we bind his maj. by relying on his word. We have laws enough; it is the execution of them that is our life, and it is the king that gives life and execution.'

Sir *Tho. Wentworth* said, 'That never parliament trusted more in the goodness of their king, so far as regarded themselves only than the present; but we are ambitious that his majesty's goodness may remain to posterity and we are accountable to a public trust: and therefore, seeing there hath been a public violation of the laws by his ministers, nothing can satisfy them but a public amends. And our desire to vindicate the subjects right by bill, are no more than are laid down in former laws, with some modest provision for instruction, performance, and execution.'

This motion so well agreed with the sense of the house, that they made it the subject of a Representation to be delivered by the Speaker to his majesty.

Another Message from the King.] May 2. p. m. Another Message was delivered from his maj. by Mr. Secretary Cook, as follows:—

"Mr. Speaker, Howsoever we proceed in this business we have in hand, which his maj. will not doubt but to be according to our constant profession, and so as he may have cause to give us thanks; yet his resolution is, that both his royal care, and hearty and tender affection towards us his loving subjects, shall appear to the whole kingdom, and all the world, that he will govern us according to the laws and customs of this realm; that he will maintain us in the liberties of our persons, and properties of our goods, so as we may enjoy as much happiness as our forefathers in their best times; and that he will rectify what hath been, or may be found amiss among us, so that hereafter there may be no just cause to complain: wherein, as his maj. will rank himself amongst the best of kings, and shew he hath no intention to invade or impeach our lawful liberties or just rights, so he will have us to match our-

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selves with the best of subjects; not by incroaching upon that sovereignty or prerogative, which God hath put into his hands for our good; but by containing ourselves within the bounds and laws of our forefathers, without straining them or enlarging them by new explanations or additions in any sort; which he telleth us, he will not give way unto. That the weight of the affairs of the kingdom, and of Christendom, do press him more and more; and that the time is now grown to that point of maturity, that it cannot endure long debate or delay, so as this session of parliament must continue no longer than Tuesday come sevennight at the furthest; in which time his maj. for his part, will be ready to perform what he hath promised; and if the house be not as ready to do what is fit for themselves, it shall be their own faults. Lastly, upon assurance of our good dispatch and correspondence, his maj. declareth, That his royal intention is to have another session of parliament at Michaelmas next, for the perfecting of such things as cannot now be done."

Debate on the King's Message.] May 3. The above Message was debated; whereupon

Sir *John Elliot* spake to this effect: 'The king saith, He will rank himself with the best of kings and therefore he would have us to rank ourselves with the best of subjects; and that we must not incroach upon that sovereignty that God hath put into his hands: this makes me fear his maj. is misinformed in what we go about; let us make some enlargement, and put it before him, that we will not make any thing new: as for the time of this session, it is but short; and look how many messages we have, and so many interruptions, misreports, and misrepresentations to his maj. produce these messages.'

Sir *Miles Fleetwood* said, 'That this business is of great importance, and we are to accommodate it. The breach of this parliament will be the greatest misery that ever befell us: the eyes of Christendom are upon this parliament; the state of all our protestant friends are ready to be swallowed up by the emperor's forces, and our own kingdom is in a miserable strait, for the defence of our religion that is invaded by the Romish Catholics, by the colour of a commission, which is intolerable; the defence of our realm by shipping is decayed; the king's revenue is sold and gone; where shall the relief be obtained but in parliament? Now we are in the way, let us proceed by way of bill, in pursuance of the king's Message, to establish the fundamental laws of property in our goods, and liberty of our persons. It was declared to us, that courses by loan and imprisonment were not lawful; let us touch them in our bill, and that all precedents and judgments seeming to the contrary be made void, that all commitments against the law be remedied, and that we be protected against the fear of commitments.'

The Commons Answer to the King's several Messages.] In conclusion, the commons agreed to an Answer to all the preceding Messages, to be presented to the king by the mouth of their Speaker: viz.

"The SPEAKER'S SPEECH to the KING, the 5th of May, in Answer to several Messages.*

"Most gracious and dread sovereign; Your loyal and obedient subjects, the commons now assembled in parliament, by several Messages from your maj. and especially by that your royal declaration, delivered by the lord keeper before both houses, have, to their exceeding joy and comfort, received many ample expressions of your princely care and tender affections towards them; with a gracious promise and assurance, that your maj. will govern according to the laws and statutes of this realm; and so maintain all your subjects in the just freedom of their persons, and safety of their estates, that all their rights and liberties may be by them enjoyed with as much freedom and security in your time, as in any age heretofore by their ancestors, under the best of your progenitors. For this so great a favour, enlarged by a comfortable intimation of your majesty's confidence in the proceedings of this house, they do, by me their Speaker, make a full return of most hearty thanks to your maj. with all dutiful acknowledgment of your grace and goodness herein. And whereas in one of these messages delivered from your maj. there was an expression of your desire to know, Whether this house would rest upon your Royal Word and Promise; assuring them, that if they would, it should be royally and really performed: as they again present their humble thanks for the seconding and strengthening of your former royal expressions; so, in all humbleness, they assure your maj. that their greatest confidence is, and ever must be in your grace and goodness; without which, they well know, nothing that they can frame or desire will be of safety or avail to them; therefore they are all humble suitors to your maj. that your royal heart will graciously accept and believe the truth of theirs; which they humbly present, as full of trust and confidence in your Royal Word and Promise, as ever house of commons reposed in any of their best kings. True it is, they cannot but remember the public trust, for which they are accountable to present and future times; and their desires are, That your majesty's goodness might, in future memory, be the blessing and joy of posterity. But finding also, that of late there hath been public violation of the laws and the subjects liberties, by some of your majesty's ministers; they thereupon conceive, that no less than a public remedy will raise the dejected hearts of your loving subjects to a chearful supply of your maj. or make them receive content in the proceedings of this house. From these considerations, they most humbly beg your majesty's leave to lay hold of that gracious offer of yours which gave them assurance

* From Rushworth, corrected by the MSS.

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that if they thought fit to secure themselves in their rights and liberties by way of bill, or otherwise, so it might be provided for with due respect to your honour, and the public good, you would be graciously pleased to give way unto it. Far from their intentions is it, any way, to incroach upon your sovereignty or prerogative; nor have they the least thought of straining or enlarging the former laws in any sort, by any new interpretations or additions; the bounds of their desires extend no further, than to some necessary explanation of that which is truly comprehended within the just sense and meaning of those laws, with some moderate provision for execution and performance, as in times past, upon like occasion, hath been used. The way how to accomplish these their just desires, is now under serious consideration with them; wherein they humbly assure your maj. they will neither lose time, nor seek any thing of your maj. but what they hope may be fit for dutiful and loyal subjects to ask, and for a gracious and just king to grant."

"His MAJESTY'S ANSWER as delivered by the LORD-KEEPER.

"Mr. Speaker, and you gentlemen of the house of commons, His maj. hath commanded me to tell you, that he expected an Answer by your actions, and not delay by your discourse. Ye acknowledge his trust and confidence in your proceedings; but his maj. sees not how you do requite him by your confidence in his words and actions: for what need explanations, if ye doubted not the performance of the true meaning? For explanations will hazard an incroachment upon his prerogative. And it may well be said, What need a new law to confirm an old, if you repose confidence in the declaration his maj. made by me to both houses? And yourselves acknowledge, that your greatest trust and confidence must be in his majesty's grace and goodness, without which nothing ye can frame will be of safety or avail to you: Yet, to shew clearly the sincerity of his majesty's intentions, he is content that a bill be drawn for a confirmation of Magna Charta, and the other six statutes insisted upon, for the subjects liberties, if ye shall chuse that as the best way; but so as it may be without additions, paraphrases, or explanations. Thus, if you please, you may be secured from your needless fears, and this parliament may have the happy wished-for end: whereas, on the contrary, if ye seek to tye your king by new, and indeed impossible, bonds, you must be accountable to God and the country for the ill success of this meeting. His maj. hath given his Royal Word, that ye shall have no cause to complain hereafter: less than which hath been enough to reconcile great princes, and therefore ought much more to prevail between a king and his subjects. Lastly, I am commanded to tell you that his majesty's pleasure is, That without further replies or messages, or other unnecessary delays, ye do what ye mean to do speedily; remembering the last message that Secretary Cooke brought you, in point of time; his majesty always intending to perform his promise to his people."

Debate on the King's Answer.] Notwithstanding this intimation of his maj.'s good pleasure for a bill, yet, the very next day, Mr. Secretary Cooke again pressed the house to rely upon the king's word, saying, 'That he had rather follow others than himself begin this business: loss of time hath been the greatest complaint: the matter fallen now into consideration, is what way to take, whether to rely on his maj.'s word or on a bill. If we will consider the advantage we have in taking his maj.'s word, it will be of the largest extent, and we shall chuse that which hath most assurance; an act of parliament is by the consent of the king and parliament, but this assurance by word is, that he will govern us by the laws: the king promises that, and also that they shall be so executed, that we shall enjoy as much freedom as ever: this contains many laws, and a grant of all good laws; nay, it contains a confirmation of those very laws; an assurance, which binds the king further than the law can: first, it binds his affection, which is the greatest bond between king and subject; and that binds his judgment also, nay his honour, and that not at home only, but abroad. The royal word of a king is the ground of all treaty; nay, it binds his conscience. This confirmation between both houses is in nature of a vow: for my part, I think it is the greatest advantage to rely on his maj.'s word.' He further added, 'This debate was fitter to be done before the house, and not before the committee; and that it was a new course to go into a committee of the whole house.'—Whereunto it was replied by sir John Elliot, 'That the proceeding in a committee is more honourable and advantageous both to the king and the house; for that way leads most to truth, as it is a more open way, where every man may add his reasons, and make answer upon the hearing of other men's reasons and arguments.'—This being the general sense, the house was turned into a committee, to take into consideration what was delivered to the king by the Speaker, and what was delivered to them by the lord-keeper, and all other Messages; and the committee was not to be bounded by any former order. The key was brought up, and none were to go out without leave first asked.—In the debate of this business at the committee, some were for letting the bill rest; but sir Edw. Coke's reasons prevailed to the contrary. 'Was it ever known, said he, that general words were a sufficient satisfaction to particular grievances? was ever a verbal declaration of the king, verbum regis? when grievances be, the parliament is to redress them. Did ever parliament rely on Messages? They put up petitions of their grievances and the king ever answered them. The king's answer is very gracious; but what is the law of the realm, that is the question. I put no diffidence in his maj.; but the king must speak by

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record, and in particulars; and not in general. Did you ever know the king's message come into a bill of subsidies? all succeeding kings will say, ye must trust me as well as ye did my predecessors, and trust my messages; but messages of love never came into a parliament. Let us put up a PETITION OF RIGHT: not that I distrust the king, but that I cannot take his trust but in a parliamentary way."

Proceedings of the Lords on Matters of Privilege.] May 6. The lords had been, for some time, taken up with reading bills and other affairs of less moment, till this day, when the earl Marshal made a Report from their Committee of Privileges, &c. concerning four things which had been referred by the house to their consideration. Which were these." "1. Whether a peer of parliament is to answer upon Oath, or upon his Honour only?* 2. Whether a peer, having done his homage once to the king at his coronation, may be compelled to pay, in respect of homage, for lands held of the king in capite? 3. Whether the goods of a privileged person, taken in execution, (during the privilege of parliament,) ought nor to be delivered to the party by the said privilege? 4. To consider of a bill for the releasement of such privileged persons, as should be arrested after the parliament ended, but during the privilege thereof."—His lordship further reported "That the committee finding the first of these references to be general, they considered only of the Answers of peers as defendants in courts. And that they had perused all the precedents, which were, either for their Answers in this kind, upon Protestation of Honour only, or upon common Oath; and, after mature consideration, they all agreed, una voce, that the nobility of this kingdom, and lords of the upper house of parliament, were, by antient right, to answer in all courts, as defendants, upon Protestation of Honour only, and not upon common Oath.—As touching the 2nd, in respect of Homage, the attorney-general desired to have time to consider thereof, and they agreed that he should be heard in the house as soon as he was ready.—To the 3rd, they had all agreed, that the goods of a privileged person, taken in execution, ought to be redelivered, and freed, as well as the person. Concerning the bill for setting at liberty such privileged persons, as should be arrested after the parliament ended, and during the privilege thereof, they had heard it read, and appointed Mr. Attorney to draw a new bill."—This Report being ended, the house went into a committee for a free debate upon the first question. And, after many arguments, they came at last to a general agreement; "That the nobility of this kingdom, as lords of the upper house of parliament, are, of antient right, to answer in all courts as defendants, upon Protestation of Honour only, and not upon the common Oath."

May 8. The Attorney-General delivered in his Opinion to the house concerning Homage; "That he had advised with the barons of the exchequer therein, and had perused records, and finds that homage once done, for lands held of the king, the party is to do it no more. But, as touching homage done at the coronation, he found no allowance, for these 300 years past, for discharge of homage afterwards. He found also, that homage once done, was to be certified out of chancery into the exchequer; and he found no certificate of any coronation homage: that he sent to the heralds for a copy of the said homage, wherein he noted, That there were no words for any land held of the king, as required by law." This Opinion was referred back to the committee of privileges; and the abp. of Canterbury acquainting the house, That he had a true copy of the Homage done by the lords at the coronation, he was desired to shew it the next day: when the abp. produced his copy of Homage made by the peers, which, for the archbishops and bishops kneeling, was in these words. "I, A, will be faithful, and bear true faith and troth unto you, my sovereign lord, and to your heirs, kings of England; and I shall do, and truly acknowledge the service of the lands which I claim to hold of you, as in right of the church, as God shall help me." Then kissed the king's left cheek.—For the lay-lords, thus,: "I, N, become your liegeman of life and limb, and of all earthly worship; and faith and troth I shall bear unto you, to live and die against all manner of folks. So God help me." This homage being ended, they put forth their hands and touch the crown by way of ceremony, as promising to support it with all their power.—After this, the question about Respect of Homage was again referred to the committee for privileges, &c.

A Conference concerning the Petition of Right.] May 8. The lords received a Message from the commons, importing, That they desired a further Conference with their lordships in pursuance of former conferences had of late. It seems the commons had now finished their Petition of Right, and a clause relating to martial law was added to it. The lords agreed to the proposal; and a conference, by committees of both houses, was held in the Painted Chamber at two that afternoon.—The report of this Conference was made the next day, by the lord keeper, who said, "That sir Edw. Coke, after making an excuse for his long stay, expressed the great joy of the commons for the good concurrence between the lords and them in this business. That, at the first conference, the commons shewed unto their lordships what evidences they had of their liberties. Since which time, they received five Propositions, penned by a grave and reverend prelate, from their lordships; and it is fit they should give them a reason, why they have heard no sooner from them concerning the same. And said, That after some debate among themselves, concerning those Propositions, they received from

* See the proceedings of the lords, relating to this point of privilege. Vol. 1. p. 1202.

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his majesty five gracious Messages. I. That he would maintain all his subjects in their just Liberties of their Persons and Goods. II. That he would govern according to the laws and statutes of this kingdom. III. That we should find as much security in his majesty's word as in any law or statute whatsoever. IV. That we should enjoy all our freedoms, in as just and ample manner as our ancestors did in the time of any of his best predecessors. V. That for the securing of this, the house of commons might, if they thought fit, proceed by bill or otherwise.—Then he said, That these Messages of the king's being categorical, and their lordships Propositions but hypothetical, the commons had laid the latter aside; 'quia in potentia majoris cessat potestas minoris; & hæ sunt causæ,' said the knight, why their lordships heard from the commons no sooner about their Propositions.—He next said, That according to the king's Message, the commons had thought good to proceed in a parliamentary way; 'periculosum enim est, proborum virorum exemplo non comprobare;' and, if their lordships would please to concur herein, they doubt not but the success will be happy. That they had drawn up a Petition of Right, according to antient precedents, and left space for the lords to join therein with them. And he affirmed, That this manner of proceeding, by petition, was the antient way, until the unhappy divisions between the houses of York and Lancaster."—After this Report was ended, the said Petition was twice read, and referred to a select committee of lords, who were to meet that afternoon, and inform themselves of precedents of this kind.

May 9. The lord-keeper reported, That the committee had considered of the change of some words in the Petition, without alteration of the substance thereof. Then the said changes were read, which are not necessary here to insert, since they will fall after, when they come to be debated, between the two houses, afterwards.

The King's Letter to the Lords touching the Liberty of the Subject.] May 12. The duke of Buckingham delivered a Letter from the King, sealed with the royal signet, which was read first by the lord-keeper, and then by the clerk; viz.

"To our Right Trusty and Right Well-beloved, the Lords Spiritual and Temporal of the Higher House of Parliament.

"Charles R.—We, being desirous of nothing more than the advancement of the good and prosperity of our people, have given leave to free debate upon the highest points of our prerogative royal; which, in the time of our predecessors, kings and queens of this realm, were ever restrained as matters that they would not have disputed; and in other things we have been willing so far to descend to the desires of our good subjects, as might fully satisfy all moderate minds, and free them from all just fears and jealousies; which, those Messages we have hitherto sent to the commons house will well demonstrate unto the world; yet we find it still insisted upon, that, in no case whatsoever, should it ever so nearly concern matters of state or government, neither we, nor our privy-council, have power to commit any man without the cause shewed; whereas it often happens, that, should the cause be shewed, the service itself would thereby be destroyed and defeated; and the cause alledged must be such as may be determined by our judges of our courts of Westminster, in a legal and ordinary way of justice; whereas the causes may be such, as those judges have not capacity of judicature, nor rules of law to direct and guide their judgment in cases of so transcendent a nature; which happening so often, the very intermitting of that constant rule of government, practised for so many ages, within this kingdom, would soon dissolve the foundation and frame of our monarchy.—Wherefore, as to our commons we made fair Propositions, which might equally preserve the just Liberty of the Subject: so, my lords, we have thought good to let you know, that, without the overthrow of our sovereignty, we cannot suffer this power to be impeached: notwithstanding, to clear our conscience and just intentions, this we publish, That it is not in our heart, nor will we ever extend our royal power, lent unto us from God, beyond the just rule of moderation, in any thing which shall be contrary to our laws and customs; wherein the safety of our people shall be our only aim. And we do hereby declare our royal pleasure and resolution to be, which, God willing, we shall ever constantly continue and maintain, That neither we, nor our privy-council, shall or will, at any time hereafter, commit or command to prison, or otherwise restrain the person of any man for not lending money unto us; nor for any other cause which in our conscience doth not concern the public good and safety of us and our people: we will not be drawn to pretend any cause, wherein our judgment and conscience are not satisfied; which base thought we hope no man can imagine, will fall into our royal breast: and, in all cases of this nature, which shall hereafter happen, we shall, upon the humble petition of the party, or address of our judges unto us, readily and really express the true cause of their commitment or restraint; so soon as with conveniency and safety the same is fit to be disclosed and expressed: and that in all causes criminal, of ordinary jurisdiction, our judges shall proceed to the deliverance or bailment of the prisoner, according to the known and ordinary rules of the laws of this land, and according to the statutes of Magna Charta, and those other six statutes insisted upon; which we do take knowledge stand in full force, and which we intend not to abrogate or weaken against the true intention thereof. This we have thought fit to signify, the rather to shorten any long debate upon this great question; the season

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of the year being so far advanced, and our great occasions of state not lending many more days for longer continuance of this session of parliament. Given under our signet, at our palace at Westm. 12th of May, in the 4th year of our reign."

Conference on the King's Letter.] The king's letter being read, a Message was immediately sent to the commons, for a present Conference between both houses in the Painted Chamber. Which being agreed to, and the lords returned from it, the lord-keeper declared, 'That, according to the direction of the house, he informed the commons of their lordships desire to continue a good correspondence with them. That they desired this conference to shew their proceedings on the Petition of Right, presented to their lordships by the commons; which, after much debate in the house, was referred to a select committee to be considered, 'Whether any thing, not altering the sense of the Petition, might be varyed therein, so as it might be fit to receive from his majesty a gracious Answer:' That the committee returned to the house these Alterations, which are now offered to the commons, only narratively; and that they left one great point, in the said petition, concerning Imprisonment without a cause expressed, to be debated by their house; but, before the lords had entered into it, they received a gracious letter from the king, this morning, which offers satisfaction to both houses therein; and before their lordships would proceed any further, they thought fit to acquaint them therewith.' That this being spoken, he, the lord-keeper, delivered unto the commons the said Petition of Right, and the Alterations thereof in paper; and that he, likewise, did deliver unto them a copy of the King's Letter and read the original thereof, they acknowledging the said copy to agree therewith verbatim; and then he desired the commons to expedite this business, unto which they answered, 'They came with ears only.'

The report being ended, the lords referred the further consideration of this business to the afternoon. At which time, it was put to the question and agreed, That touching the point of Imprisonment, in the Petition, that house should move the commons, That the Petition may be reduced, in the aforesaid point, within the compass of what his majesty had offered by his gracious letter.

The same day when the King's Letter was communicated to the commons, they laid it aside: and sir Tho. Wentworth said, 'It was a letter of grace; but the people will only like of that which is done in a parliamentary way; besides, the debate of it would spend much time, neither was it directed to the house of commons; and the Petition of Right would clear all mistakes: for, said he, some give it out, as if the house went about to pinch the king's prerogative.'

Report of the Conference concerning the Petition of Right.] May 14th. Both houses met at a conference; after which, the lord-keeper reported the effect thereof to the lords, viz. "1st, His lordship repeated the heads of what he spake, according to the directions of the house, this morning in the entrance of the said conference, on this manner: That at the last meeting, the lords made to the commons a Proposition of some Alterations to be made in the Petition; and doubt not but the commons have considered of them, and come prepared to confer. That, at the same time, the commons were made acquainted with his majesty's Letter; and had a copy delivered them to consider of it, as the lords also promised to do. That the lords have done accordingly; and taken into their thoughts, 1. The Propositions or tenets of the commons concerning the Subject's Liberty. 2. That part of the petition which concerns it. And, lastly, his majesty's Letter. That, upon all these, they have not proceeded to any resolution exclusive or conclusive; not to exclude the right or liberty of the subject, nor the Propositions or Petition concerning the same; nor yet to exclude the prerogative, or right of the king; nor to conclude themselves from more mature resolutions. But upon consideration of the Letter, they find gracious intentions in the king, and divers royal and good offers touching the liberty and freedom of the people. That they have considered of the present affairs; that our coasts are infested by enemies, and likely to be more so, if there be no present preparations against them. That the state of the reformed religion abroad is miserable and distressed, and expects and depends on the success of this parliament; and therefore their lordships wish such a course to be taken as may best beget a right understanding between the king and his people. And, therefore, they have thought fit that the commons be moved, that the Petition concerning that point, for this time and session, be reduced into such a form as may be most agreeable to that which by this letter we may expect to have from the king."

The lord-keeper further reported, "That he having said thus much, sir Edw. Coke, one of the commons house, answered and expressed their great joy, for that the lords held so good correspondence with them, which they would endeavour to continue; and proceeded to speak to their Petition; and of their lordships proposed Alterations and Amendments; and of the king's Letter; and said, That they had voted their Petition, and expected reasons from the lords for those Alterations: and that the letter is no answer in a parliamentary way, to their petition, &c. That it will take up much time fully to consider thereof; and he offered to satisfy their lordships in the other part of the petition."

The lord-keeper also further reported, "That sir D. Diggs, one of the commons, desired to have leave to resort to their house, and they would return suddenly to the conference again."—After some small stay, the commons returned to the conference: and the lords having notice thereof, the house was adjourned during plea-

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sure. Their lordships being returned, the house was resumed: and the lord-keeper reported, That the commons said, that they had related unto their house what their lordships had said concerning the king's Letter; and that their house had resolved not to enter into consideration thereof, for that it is no parliamentary course. And they explained what sir Ed. Coke had said, touching their voting of the Petition, viz. That they had voted it at a committee, not in their house, for otherwise they could not alter any part thereof."

This report ended, the lords considered what should be more said unto the commons; who attended in the Painted Chamber. And, after some small debate, it was agreed to return to the said conference, and the lord-keeper to let them know, that it is not the intent of the lords to rest only upon the king's Letter, for an answer to the petition; but to move the commons to frame the Petition, so as it may be best accommodated for the king's answer; and then to proceed in a parliamentary way. Their desire is not to change the substance of the Petition, (by those Alterations propounded,) but only to alter some phrases, which may, haply, be displeasing unto his majesty. And that the lords desire, that the point of Imprisonment may have precedency, before they debate any other point of the Petition.—Then the house was again adjourned during pleasure: and the lords went to the conference. Being returned, and the house resumed, the lord-keeper reported the Commons Answer to be, "That they conceive the lords propounded not unto them, that they should wholly rely on the king's Letter, for an answer to the Petition: yet, notwithstanding, they cannot proceed upon the said letter, it not being a parliamentary way. That if the lords will be pleased to propound the Alterations of the Petition, they will confer thereon."—This report ended, the lords began to debate amongst themselves an accommodation, touching the point of Imprisonment. And the house being put into a committee, and having agreed not to be concluded by any proposition of accommodation, it was resumed again. Agreed upon the question, That to-morrow morning the house shall proceed to the accommodation of this point in the Petition.

The Lords Addition to the Petition of Right.] The lords debated this matter for some days longer, till, on the 17th, their committee brought in an Addition to the Petition of Right; which was read in these words:

"We humbly present this Petition to your majesty, not only with a care of preserving our own liberties, but with due regard to leave entire that sovereign power, wherewith your maj. is trusted, for the protection, safety, and happiness of your people."

The said committee declared, That this was offered to be considered of, for an accommodation only, not that it should conclude their lordships in their opinion, nor exclude the Petition of Right presented to them by the commons.

Conference thereupon.] The lords agreed to these proposals of their committee, and resolved to have another conference with the commons, both about this Addition, and some other Alterations, formerly proposed, to their Petition of Right: in which, inter alia, the lord keeper was to tell them, That the lords did desire a good correspondency with them, which would tend to a happy success of this parliament. This conference was held in the afternoon of that day; when the lord keeper opened it in the manner following: "That whereas at the last conference there were some things propounded that came from their lordships, out of a desire the Petition might have the easier passage with his maj. not intending to violate, in any manner, the substance of the Petition; but it was then thought, that there was another part of the Petition of as great importance and weight: the lords, since the time of that conference, have employed themselves wholly to reduce the petition to such a frame and order, that they may give both to you and them hope of acceptance. And, after many deliberations, and much advice taken, my lords have resolved to represent unto you something which they have thought upon, yet not as a thing conclusive to them or you; and, according to their desires (having mentioned it in the beginning) have held it fit to conclude of nothing, till that you be made acquainted with it; and that there may be a mature advisement between you and them, so that there may be the happier conclusion in all this business. This being the determination of the lords, that nothing that is now offered unto you should be conclusive; yet they thought it convenient to present it unto you. This Alteration, (yet not alteration but addition) which they shall propound unto you, to be advised and conferred upon, which is no breach of the frame; they think meet, if it shall stand with your liking, to be put in the conclusion of the Petition, which I shall now read unto you. "We humbly present this Petition to your maj. not only with a care of preserving our own liberties, but with due regard to leave entire that sovereign power wherewith your maj. is trusted for the protection, safety, and happiness of your people." This is the thing the lords do present unto you as the subject of this conference, concerning the adding of this in the conclusion of the Petition: and as they know this is new, and that you cannot presently give an answer to it, therefore they desire that you do, with some speed, consider of it; and their lordships will be ready this afternoon."

Debate in the Commons on the Lords Addition.] The commons being returned to their house, and the Addition being debated, it produced several speeches. For the following we are obliged to Mr. Rushworth:

Mr. *Alford* said, 'Let us look into the Records, and see what they are; what is 'Sovereign power?' Bodin saith, That it is free from any conditions. By this we shall acknowledge

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a regal as well as a legal power. Let us give that to the king the law gives him, and no more.'

Mr. *Pym.* 'I am not able to speak to this question, for I know not what it is. All our Petition is for the laws of England, and this power seems to be another distinct power from the power of the law. I know how to add sovereign to the king's person, but not to his power: and we cannot 'leave' to him a 'sovereign power;' for we never were possessed of it.'

Mr. *Hackwell.* 'We cannot admit of these words with safety: they are applicable to all the parts of our Petition: it is in the nature of a saving, and by it we shall imply as if we had incroached on his prerogative. All the laws we cite are without a saving; and yet now, after the violation of them, must we add a saving? I have seen divers petitions where the subject claimed a right, yet there I never saw a saving of this nature.'

Sir *Edw. Coke.* 'This is magnum in parvo. This is propounded to be a conclusion of our Petition. It is a matter of great weight; and, to speak plainly, it will overthrow all our Petition; it trenches to all parts of it; it flies at Loans, at the Oath, at Imprisonment, and at Billetting of Soldiers: this turns all about again. Look into all the petitions of former times; they never petitioned wherein there was a saving of the king's sovereignty. I know that prerogative is part of the law, but 'Sovereign Power' is no parliamentary word. In my opinion it weakens Magna Charta, and all the statutes; for they are absolute, without any saving of 'Sovereign Power'; and should we now add it, we shall weaken the foundation of law, and then the building must needs fall. Take we heed what we yield unto: Magna Charta is such a fellow, that he will have no 'Sovereign.' I wonder this 'Sovereign' was not in Magna Charta, or in the confirmations of it. If we grant this, by implication we give a 'Sovereign Power' above all laws. Power in law, is taken for a power with force: the sheriff shall take the power of the county; what it means here, God only knows. It is repugnant to our Petition: that is, a Petition of Right, grounded on acts of parliament. Our predecessors could never endure a salvo jure suo, no more than the kings of old could endure for the church, 'Salvo honore Dei & ecclesiæ.' We must not admit of it, and to qualify it is impossible. Let us hold our privileges according to the law: that power that is above this, is not fit for the king and people to have it disputed further. I had rather, for my part, have the prerogative acted, and I myself to lye under it, than to have it disputed.'

Sir *Tho. Wentworth.* 'If we do admit of this Addition, we shall leave the subject worse than we found him; and we shall have little thanks for our labour when we come home. Let us leave all power to his maj. to punish mal factors; but these laws are not acquainted with 'Sovereign Power.' We desire no new thing, nor do we offer to trench on his majesty's prerogative: we may not recede from this Petition, either in part or in whole.'

Mr. *Noye.* 'To add a saving is not safe: doubtful words may beget ill construction; and the words are not only doubtful words, but words unknown to us, and never used in any act or petition before.'

Mr. *Selden.* 'Let us not go too hastily to the question: if there be any objections, let any propound them, and let others answer them as they think good. If it hath no reference to our Petition, what doth it here? I am sure all others will say it hath reference, and so must we. It doth far exceed all examples of former times. What man can shew me the like? I have made that search that fully satisfies me, and I find not another besides 28 Eliz. We have a great many petitions and bills of parliament in all ages, in all which we are sure no such thing is added. That clause of 28 Edw. 1. was not in the Petition, but in the king's answer.—In Magna Charta there were no such clauses. The Articles themselves are to be seen in a library at Lambeth, in a book of that time, upon which the law was made. There was none in the articles in king John's time, for these I have seen; and there is no saving. In the statutes of 'Confirmatio Chartarum,' is a saving, les antients aids; that is, pur fille maryer, & pur faire fitz chivalier, and for ransom. And in the articles of king John in the original charter (which I can shew) there those three aids were named therein, and they were all known. In the 25th Edw. 3. there is a Petition against Loans, there is no saving; and so in others. As for that Addition in the 23th of Edw. 1. do but observe the petitions after Magna Charta; as 5 Edw. 3. they put up a petition; whereas, in Magna Charta, it is contained, that none be imprisoned, but by due process of law; those words are not in Magna Charta, and yet there is no saving: and so in the 28th of Edw. 3. and 36, 37, and 42 of Edw. 3. all which pass by petition, and yet there is no saving in them: and there are in them other words that are not in Magna Charta, and yet no saving.—As to what we declared, by the mouth of our speaker, this parliament, that it was far from our heart to encroach on the king's prerogative; we then spake of the king's prerogative by itself, and we are bound to say so: but speaking of our own rights, shall we say, We are not to be imprisoned saving, but by the king's 'Sovereign Power?' Say, my lands (without any title) be seized in the king's hands, and I bring a Petition of Right; and I go to the king and say, 'I do by no means seek your maj.'s right and title;' and, after that, I bring a petition, or monstrance de droit, setting forth my own right and title; and, withal, set down a saving, that I leave entire his maj.'s right; it would be improper. It was objected, that in the 28th of Edw. 1. in the end of 'Articuli super Chartas,' which was a confirmation of Magna Charta, and Charta de Foresta, in the end there was a clause, 'Sa-

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vant le droit & signiory;' the words are in that roll that is now extant, but the original roll is not extant.—In the 25th of Edw. 3. there was a confirmation of the charter. In the 27th of Edw. 3. the parliament was called, and much stir there was about the charter, and renewing the articles; but then little was done. In 28 Edw. 1. the commons, by petition or bill, did obtain the Liberties and Articles at the end of the parliament; they were extracted out of the roll, and proclaimed abroad. The Addition was added in the proclamation; but in the bill there was no 'savant;' yet afterwards it was put in; and to prove this, though it is true there is no parliament-roll of that year; yet we have histories of that time: in the library at Oxford, there is a Journal of a Parliament of that very year which mentions so much; as also in the public library at Cambridge, there is in a MS. that belonged to an abbey: it was of the same year, 28 Edw. 1. and it mentions the parliament and the petitions, and 'Articulos quos petierunt sic confirmavit rex, ut in fine adderet, salvo jure coronæ regis,' and they came in by proclamation. But, in London, when the people heard of this clause being added in the end, they fell into execration for that addition; and the great earls, that went away satisfied from the parliament, hearing of this, went to the king; and afterwards it was cleared at the next parliament. Now, there is no parliament roll of this, of that time; only in the end of Edw. 3. there is one roll that recites it.'

Reasons given by the Lords for their Addition.] The lords afterwards at a conference, tendered reasons to fortify their Addition; which were briefly reported to the commons that the lord-keeper said, "That the lords were all agreed to defend and maintain the just liberties of the subject, and of the crown; and that the word 'leave' was debated amongst them; and thereby they meant to give the king nothing new, but what was his before: as to the words 'Sovereign Power,' as he is a king he is a sovereign, and must have power; and he said the words were easier than the word prerogative. As for the word 'that' it is a relative and referred to that power, that is for the safety of the people; and this, said he, can never grieve any man; being thus published, it is not sovereign power in general. But now, in consultation of our reasons, he said, Magna Charta was not with a 'saving;' but, said he, you pursue not the words of Magna Charta, and therefore it needs an Addition.—As for the 28th Edw. 1. he said there was a 'saving,' and an ill exposition cannot be made of this; and both houses have agreed it in substance already; that the commons did it in a speech delivered by the Speaker; and that we say we have not a thought to incroach on the king's sovereignty; and why may we not add it in our Petition?"

Mr. Mason's Speech in Answer thereto.] Upon this report, Mr. *Mason* spake as follows:*—

'Mr. Speaker; In our Petition of Right, we mention the laws and statutes; by which it appeareth, that no tax, loan, or the like, ought to be levied by the king, but by common assent in parliament: that no freeman ought to be imprisoned but by the law of the land: and that no freeman ought to be compelled to suffer soldiers in his house. In the Petition we have expressed the breach of these laws, and desire we may not suffer the like; all which we pray as our rights and liberties. The lords have proposed an Addition to this petition, in these words: whether we shall consent to this Addition, is the subject of this day's discourse: and because my lord keeper, at the conference, declared their lordships had taken the words of the Petition apart, I shall do so too. The word 'leave,' in a petition, is of the same nature as 'saving' in a grant or act of parliament: when a man grants but part of a thing he saves the rest; when he petitions to be restored but to part, he leaveth the rest: then, in the end of our Petition, the word 'leave' will imply, that something is to be left of that, or at least with a reference to what we desire. The word 'entire' is very considerable. A conqueror is bound by no law, but hath power dare leges; his will is a law: and although William the Conqueror, at first, to make his way to the crown the more easy, and the possession of it more sure, claimed it by title; yet afterwards, when there were no powerful pretenders to the crown, the title of conquest (to introduce that absolute power of a conqueror) was claimed; and the statute of Magna Charta, and other statutes mentioned in our Petition, do principally limit that power. I hope it is as lawful for me to cite a Jesuit, as it is for Dr. Manwaring to falsify him; Suarez, in his first book, de Legibus, c. 17. delivereth his opinion in these words, 'Amplitudo & restrictio potestatis regum, circa ea quæ per se mala vel injusta non sunt, pendent ex arbitrio hominum, & ex ambigua conventione, vel pacto, inter reges & regnum.' And he farther expresseth his opinion, that the king of Spain was so absolute a monarch, that he might impose tribute without consent of his people, until about 200 years since; when it was concluded between him and his people, that without consent of his people by proxies, he should not impose any tribute. And Suarez's opinion is, that, by that agreement, the kings of Spain are bound to impose no tribute without consent.—And this agreement that author calls a restraining of that 'Sovereign Power.' The statutes then, mentioned in our Petition, restraining that absolute power of the conqueror; if we recite those statutes, and say, we 'leave entire that Sovereign power,' we do take away that restraint, which is the virtue and strength of those statutes; and do hereby set at liberty this claim of sovereign power of a conqueror, which then will be limited and restrained by no laws: this may be the danger of the word 'entire.'—The next word delivered by the

* From Sir John Napier's MS.

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lords as observable, is the particle 'that.' And it was said, that all sovereign power is not mentioned to be left, but only that with which the king is trusted for our protection, safety, and happiness: but I conceive this to be an exception of all sovereign power; for all sovereign power in a king, is for the protection, safety, and happiness of his people. If all sovereign power be excepted, you may easily judge the consequence; all loans and taxes being imposed by colour of that 'sovereign power.' The next word is 'trusted,' which is very ambiguous; whether it be meant trusted by God only, as a conqueror; or by the people also, as a king; who is to govern also according to laws, ex pacto. In this point, I will not presume to adventure further; only I like it not, by reason of the doubtful exposition it admits.—I have likewise considered the proposition itself, and therein I have fallen upon a dilemma, that this Addition shall be construed, either to refer unto the Petition, or not: if it do not refer unto the Petition, it is meerly useless and unnecessary, and unbefitting the judgment of this grave and great assembly to add to a Petition of this weight. If it hath reference unto it, then it destroys not only the virtue and strength of our Petition of Right, but our rights themselves: for the Addition, being referred to each part of the Petition, will necessarily receive this construction, viz. That none ought to be compelled to make any gift, loan, or such like charge, without common consent, or act of parliament; unless it be by the 'sovereign power,' with which the king is trusted for the protection, safety, and happiness of his people: that none ought to be compelled to sojourn or billet soldiers, unless by the same sovereign power: and so of the rest of the rights contained in the Petition. Then the most favourable construction will be, that the king hath an ordinary prerogative, and by that he cannot impose taxes or imprison; that is, he cannot impose taxes at his will, or employ them as he pleaseth: but that he hath an extraordinary and transcendent 'sovereign power,' for the protection and happiness of his people; and for such purpose he may impose taxes, or billet soldiers as he pleaseth. And we may assure ourselves, that hereafter all loans, taxes, or billeting of soldiers, will be said to be for the protection, safety, and happiness of the people: certainly, hereafter, it will be conceived, that an house of parliament would not have made an unnecessary Addition to this Petition of Right; and therefore it will be resolved, That the Addition hath relation to the Petition, which will have such operation as I have formerly declared: and I the rather fear it, because the late loan and billeting have been declared to have been by 'sovereign power,' for the good of ourselves; and if it be doubtful whether this proposition hath reference to the Petition or not, I know who are to judge whether loans or imprisonments hereafter be by that sovereign power, or not?—A parliament, which is a body made up of several wits, and may be dissolved by one commission, cannot be certain to decide this question: we cannot resolve that. If the judges shall determine the words of the king's Letter read in this house, reciting, 'That the cause of commitment may be such, that the judges themselves have not capacity of judicature, nor rules of law to direct and guide their judgments in cases of that transcendent nature; why then the judges, and the judgments, may be easily conjectured. It hath been confessed by the king's counsel, that the statute of Magna Charta binds the king, then it binds his sovereign power; and here is an Addition of saving the king's 'sovereign power.'—I shall next endeavour to give some answer to the Reasons given by the lords. The 1st is, That it is the intention of both houses, to maintain the just liberty of the subject, and not to diminish the just power of the king; and therefore the expression of that intention in this Petition, cannot prejudice us. To which I answer: 1st, That our intention was, and is, as we then professed; and no man can assign any particular in which we have done to the contrary; neither have we any way transgressed in that kind in this Petition: and if we make this Addition to the Petition, it would give some intimation, that we have given cause or colour of offence therein; which we deny, and which if any man conceive so, let him assign the particular, that we may give answer thereunto. By our Petition, we only desire our particular rights and liberties to be confirmed to us; and, therefore, it is not proper for us to mention therein 'sovereign power' in general, it being altogether impertinent to the matter of the Petition. There is a great difference between the words of the Addition, and the words proposed therein as the reason thereof, viz. between just power, which may be conceived to be limited by laws; and 'sovereign power,' which is supposed to be transcendent and boundless. The 2nd reason, delivered by their lordships, was, That the king is sovereign; that as he is sovereign, he must have power, and that this 'sovereign power' is to be left: for my part, I would so leave it, as not to mention it; but if it should be expressed to be left in this Petition, as it is proposed, it must admit something to be left in the king of what we pray, or at least admit some sovereign power in his maj. in these privileges which we claim to be our right; which would frustrate our Petition and destroy our right, as I have formerly shewed. The 3rd reason given for this Addition, was, That in the statute of 'Articuli super Chartas,' there is a saving of the seigniory of the crown. To which I give this answer, That Magna Charta was confirmed above 30 times; and a general saving was in none of these acts of confirmation, but in this only; and I see no cause we should follow one ill, and not 30 good precedents; and the rather, because that saving produced ill effects, that are well known. That saving was by act of

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parliament; the conclusion of which act is, that in all those cases the king did well, and all those that were at the making of that ordinance did intend, that the right and seigniory of the crown should be saved: by which it appears, that the saving was not in the Petition of the commons, but added by the king; for in the Petition, the king's will is not expressed. In that act the king did grant, and part with, to his people, divers rights belonging to his prerogative; as, in the first chapter, he granted, that the people might chuse 3 men, which might have power to hear and determine complaints made against those that offended in any point of Magna Charta; though they were the king's officers, and to fine and ransom them: and in the ch. 8, 12, and 19 of that statute, the king parted with other prerogatives; and therefore there might be some reason of the adding of, 'that sovereign power,' by the king's council: but, in this Petition, we desire nothing of the king's prerogative; but pray the enjoying of our proper and undoubted rights and privileges; therefore there is no cause to add any words, which may imply a saving of that which concerns not the matter in the Petition.—The 4th reason given by their lordships, was, that by the mouth of our Speaker, we have, in this parliament, declared, That it was far from our intention, to incroach upon his majesty's prerogative; and that therefore it could not prejudice us, to mention the same resolution in an Addition to this Petition. To which I answer, That that declaration was a general answer to a message from his majesty to us, by which his maj. expressed, that he would not have his prerogative straitened by any new explanation of Magna Charta, or the rest of the statutes: and therefore that expression of our Speaker's was then proper to make it have reference to this Petition; there being nothing therein contained but particular rights of the subject, and nothing at all concerning his majesty's prerogative. 2ndly, That answer was to give his maj. satisfaction of all our proceedings in general; and no man can assign any particular in which we have broken it; and this petition justifies itself, that in it we have not offended against our protestation: and I know no reason why this declaration should not be added to all the laws we shall agree on, in this parliament, as well as to this Petition. The last reason given was, That we have varied in our Petition from the words of Magna Charta; and therefore it was very necessary, that a saving should be added to the Petition. I answer, That in the statutes of 5, 25, and 28 Edw. 3. and other statutes, by which Magna Charta is confirmed, the words of the statutes of explanation differ from the words of Magna Charta itself; the words of some of the statutes of explanation being, That no man ought to be apprehended, unless by indictment, or due process of law; and the other statutes differing from the words of Magna Charta in many particulars; and yet there is no saving in those statutes, much less should there be any in a Petition of Right. These are the answers I have conceived to the reasons of their lordships; and the exposition, I apprehend, which must be made of the proposed words, if added to our Petition. And therefore I conclude, that, in my opinion, we may not consent to this Addition, which yet I submit to better judgments.'

Further Proceedings, relating to the Petition of Right.] May 19. The commons received a Message from the king, importing, only, "That it was not his intent to interrupt them with his messages; but being obliged to go to Portsmouth, in a day or two, on pressing occasions, he desired they would proceed with the business they were upon with all expedition."—This message was no sooner delivered, than they agreed to send to the lords, to have a free and a mutual conference with them, about the exceptions their lordships had taken to their Petition, as well as the Additional Clause, proposed at the last conference; to which they said, they were urged by a gracious message from his majesty. This conference was held the same day, and the several Alterations again debated between them: but no conclusion was made of the business, for that time; nor at another conference, the next day, on the same affair.

May 21. The lord-keeper delivered a Message to the lords, from the king, to this purpose: "That his maj. had commanded him to let them know, that he discerned all his affairs depended upon the resolution of that house touching the Petition: that his wants were great and pressing, and himself to go shortly to Portsmouth; therefore, he desired, before his going, to see his business in forwardness: and expected, that they would resolve, that day whether they would join with the commons in the Petition or not." The lords, having taken this Message into consideration, returned for Answer, by the duke of Buckingham, That they had sent to the commons to require an immediate conference about it; and their answer was, that they could not, conveniently, meet till the next morning. But it was not till May 23d that this conference was held; and in the afternoon of that day, the lord-keeper was ordered to report one part of the conference, and the lord-president the other.

The Lord Keeper's Report of Mr. Glanville's Speech against the Addition made by the Lords.]

The Lord-keeper began and reported his part of the Conference, delivered in a speech from Mr. Glanville, to this purpose:

"My Lords, I am commanded by the commons, to deliver unto your lordships their reasons, why they cannot admit of the Addition tendered unto them by your lordships. But for an introduction to the business, please you to remember, that a Petition of Right was shewed to your lordships, wherein we desired you would join with us; a Petition, my lords, fitting for these times, grounded upon law, and seeking no more than the subjects just liberty. This Petition consisteth

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of 4 parts: 1. loans, aids, and taxes: 2. imprisonment of men's persons: 3. billetting of soldiers: 4. commissions issued for martial law, and put in execution upon several persons.—Groaning under the burthen of these, we desire remedy, and wish your lordships would join with us; which you having taken into consideration, we must confess have dealt nobly and freely with us, not to conclude any thing till you hear our just reasons; for which we thank your lordships, and hope you will value those reasons, which we shall now offer. The work of this day will make a happy issue, if your lordships please to relinquish this, as we formerly, upon conference with your lordships, have done some other things: for the proposition, my lords, we have debated it thoroughly in our house: and I am commanded to deliver unto you the reasons, why we cannot insert this clause. Neither your lordships nor we desire to extend liberty beyond its due bounds, nor to incroach upon the king's prerogative.—The 1st reason I am to lay down is touching Sovereign Power, which I beseech you not to accept as mine own, being but a weak member of that strong body; but, as the reasons of the whole house, upon great and grave considerations. First, the words Sovereign Power, hath either reference, or no reference to the petition: if no reference, then superfluous; if a reference, dangerous, and operative upon the petition: and we think your lordships purpose is not to offer unto us any thing that may be vain, or to the hindrance of any thing wherein you have already joined with us. The Petition declareth the right of the subject, which yet may be broken by the words sovereign power, and so the virtue of the petition taken away: the end of the petition is not to enlarge the bounds of law; but, their liberties being infringed, to reduce them to their antient bounds: and shall we, by admitting of these words, 'sovereign power,' instead of curing the wound, launch it, and cut in deeper?—The next point is the word 'intrusted;' a word of large latitude and deep sense. We know there is a trust vested in the king, but regulated by law; we acknowledge that in penal statutes, the king may grant another power to dispense with the law: but Magna Charta, inflicting no penalty, leaveth no trust; but claimeth its own right; therefore the word 'intrusted,' would confound this distinction.—Our next reason is, We think it absolutely repugnant to any course of parliament, to put a saving to the petition: in former times, the course of petitioning the king was this. The lords and the speaker, either by words or writing, preferred their petition to the king; this then was called the bill of the commons, which being received by the king, part he rejected and put out, other part he ratified; and as it came from him it was drawn into a law, but this course, in the 2 Hen. 5. was found prejudicial to the subject; and since in such cases, they have petitioned by petition of right, as we now do, who come to declare what we demand of the king; for if we should tell him what we should not demand, we should then not proceed in a parliamentary course. Now, for that which is alledged by your lordships, 'De Articulis super Chartas,' That, my lords, is not like this, which is a saving upon particulars, but this petition, consisting of particulars, would be destroyed by a general saving. The saving 'de Articulis super Chartas,' are of 3 aids; for ransoming the king's person, for knighting the king's eldest son, and once for marrying the king's eldest daughter. These, by the form of the petition, shew, that they came in upon the king's answer, and not upon the petition; first then followed the savings, which under favour we think are no reasons to make us accept of this saving, being not pertinent to the petition.—The statute 28 Edw. I. (which confirmed Magna Charta with a saving) was, in fact, set aside by the 34th of the same king, which restored Magna Charta to its first purity: and if the said statute of the 28th did lay some blemish upon it, shall we now make the subject in worse case, by laying more weight upon it? God forbid!—In the next place, you reason thus, 'That this which you wish we would admit of, is no more than what we formerly did profess by our Speaker, when we sent the king word, we had no purpose at all to trench upon his prerogatives:' It is true, my lords, we did so; but this was not annexed to any petition, for in that manner, we should never have done it.—And here I am commanded (with your favours) to deliver unto your lordships what a learned member of our house, (Mr. Selden) delivered there, touching this point. 'The king, saith he, and the subject have two liberties, two manors joining one upon another: the king is informed the subject hath intruded upon him, but upon trial it appeareth not to be so; were it fitting think you, that the subject should give security, that he should not incroach or intrude on that manor, because the king had been informed he did so? I think you will be of another mind. Wherefore I am commanded (seeing we cannot admit of this Addition) to desire your lordships, to join with us in the Petition; which being granted, and the hearts of the king and people knit together, I doubt not but his maj. will be safe at home, and feared abroad."

The Lord President's Report of Sir H. Martin's Speech on the same Occasion.] The lord-keeper having finished his report of Mr. Glanville's speech at the conference, the lord-president proceeded to the other, which was spoken by sir Henry Martyn; as follows:* "My Lords; The work of this day, wherein the house of commons have employed the gentleman who spake last and myself, is to reply to the answer, which it hath pleased the lord-keeper to make to those reasons, which the commons offered to your lordships consideration,

* Both these speeches are taken from a pamphlet printed in the year 1628, and examined by the lords Journals.

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in justification of their refusal, to admit, into their Petition, the Addition recommended by your lordships; which reasons of the commons, since they have not given such satisfaction to your lordships as they desired, and well hoped, (as by the lord-keeper's answer appeared) it is thought fit, for their better order and method in replying, to divide the lord-keeper's answer into two parts; a legal, and a rational. The reply to the legal part your lordships have now heard. Myself come instructed to reply to the rational; which, also, consisteth of two branches: the 1st deduced from the whole context of the Additional Clause; the 2nd enforced out of some special words of it.—In the former are these reasons why the same deserved to be accepted of by the commons. 1st, because it would afford good satisfaction to the king. 2. To your lordships. 3. It was agreeable to what the commons themselves had often protested, and expressed by the mouth of their speaker.—To avoid all misunderstandings and misconceit herein, which, otherwise, might be taken against the commons, upon the refusal of the propounded Addition, I will first state the question, and open the true point of difference between your lordships and us; which, indeed, is not, as is conceived, touching the truth of this Addition, in the quality of a proposition: for, so considered, we, as well and as heartily as your lordships possibly can do, agree it to be a true proposition.—Wherefore, give me leave to rehearse that oath, which every member of the house of commons hath taken this session; and doth take every parliament, viz. 'I, A B, do utterly testify and declare in 'my conscience, that the king's highness is the 'supreme governor of this realm in all causes, '&c. and to my power will assist and defend 'all jurisdictions, privileges, pre-eminences, 'and authorities, granted or belonging to the 'king's highness, or united or annexed to the 'imperial crown of this realm.' So that your lordships need not to borrow, from our protestations, any exhortations to us to entertain a writing in assistance of the king's sovereign power: since we stand obliged, by the most sacred bond of a solemn oath, to assist and defend the same, if cause or occasion be required. The only question and difference is this; whether this Addition shall be received into our Petition, as any part thereof; which to do, your lordships reasons have not persuaded us; because, so to admit it were to overthrow the very fabric and substance of our Petition of Right. For these words being added to our Petition, viz. 'We humbly present this Petition to your majesty, &c. with due regard to leave entire 'that' sovereign power,' &c. do imply manifestly an exception to our Petition. And such an exception, as being of the nature of the thing whereunto it is an exception, 'Exceptio est de Regula,' must, of necessity destroy the Petition; so far as to the case excepted. 'Exceptio firmat regulam in casibus non exceptis, in casibus exceptis destruit regulam.' Then this Addition, being joined to our Petition, must produce this construction, viz. 'We pray that no freeman may be compelled, by imprisonment, to lend money to his maj. without his assent in parliament; nor be imprisoned without a cause expressed; nor receive soldiers into his house against his will; nor undergo a commission of martial law for life and member, in time of peace, &c. except his maj. be pleased to require our monies, and imprison us without cause shewed, and put soldiers into our houses, and execute martial law upon us in time of peace, by virtue of his Sovereign Power.' By which construction, (necessarily following, upon this Addition) our right in the premisses is annihilated and the effect of the Petition frustrated.—Neither may it seem strange, that this Addition, which of itself, in quality of a proposition, we confess to be most certain and true, being added to our Petition, (which is also true) should overthrow the very frame and fabrique of it: seeing the logicians take knowledge of such a fallacy, called by them 'Fallacia à bene divisis, ad male conjuncta:'—The 2nd part of my lord-keeper's rational part, was inferred out of the last words of this Addition; by which his lordship said, that they did not 'leave entire' all 'Sovereign Power,' but that only, wherewith his maj. is trusted for the protection, safety, and happiness of his people. As if he would infer, 'that Sovereign Power wherewith,' &c. in this place to be Terminum diminuentum, and in that consideration would induce us to accept it; but under his lordships correction, we cannot so interpret it: for, 1st, We are assured that there is no such distinction of Sovereign Power; as if some Sovereign Power was for the happiness and protection of the people, and some otherwise; for all Sovereign Power, whether trusted by God or by man, is only 'ad salutem & pro bono populi regi commissa.' 2ndly, In this place, these words 'Sovereign Power,' wherewith his maj. is trusted for the happiness of the people, are so far from having the force of 'Termini diminuentis,' that is, of words of qualification or limitation; that in truth they are terms of important advantage against our Petition; obliging us, whensoever his maj.'s Sovereign Power shall be exercised upon us, in all or any the particulars mentioned in this Petition, to submit thereunto without further inquiry; as taking it pro confesso, that it conduced to our protection, safety, and happiness.—Having spoken this, in reply to the rational part, whereby the lord-keeper laboured to persuade us to entertain this Addition, the commons, desirous to gain your lordships absolute conjunction with them in presenting this Petition, hath commanded me to deliver you these reasons or arguments also:—The first drawn from the persons of the petitioners, the house of commons; whose moderate and temperate carriage in this parliament, be it spoken without vanity and yet in much modesty, may seem to deserve your lordships assistance in this Petition, ex congruo & con-

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digno: especially if you would be pleased to consider the discontents, pressures and grievances, under which themselves in great number, and the parts for which they serve, lamentably groaned, when they first arrived here: and which was daily represented unto them by frequent packets and advertisements, out of their several counties: all which, notwithstanding, have not been able to prevail upon our moderation; or to cause our passion to over-rule our discretions: and the same yet continueth in our hearts, in our hands, and in our tongues; as appeareth in the mould of this Petition; wherein we crave no more, but that we may be better treated hereafter.—My lords, we are not ignorant in what language our predecessors were wont to express themselves upon much lighter provocation; and in what stile they framed their Petitions: no less amends could serve their turn than severe commissions to enquire upon the violators of their liberties; banishments of some, executions of other offenders; more liberties, new oaths of magistrates, judges and officers; with many other provisions, written in blood: yet, from us, there hath been heard no angry words in this Petition; no man's person is named: we say no more than what a worm trodden upon would say, (if he could speak,) 'I pray tread upon me no more! The second argument, to move your lordships not to urge this Addition to be inserted into our Petition, is taken 'à circumstantia temporis,' 'There is a time for all things' saith the wise man; 'and a word spoken in due season is like apples of gold in pictures of silver;' and unseasonably spoken as ungracious.—This time is not seasonable for the said Addition; because Sovereign Power nunc male auditur. Some late influences have made the aspect thereof not to seem so comfortable and gracious, as heretofore it hath been; and as it may, by God's grace, hereafter be again. In the mean time, since angry men say, that Sovereign Power hath been abused, and moderate men wish it had not been so used; the express reservation thereof in our Petition, as this Addition would have it, cannot possibly be seasonable.—The 3d argument is à circumstantia loci. Of all places the Petition is the worst to settle this Addition in; which 'leaveth Sovereign Power entire;' for the Petition, being a thing that concerneth every man so nearly, it will run through every man's hands; and every man will be reading of it. In perusing whereof, when they shall fall upon this Additional Clause, of the king's Sovereign Power, presently they will run descant upon these words, 'Sovereign Power,' What is the nature of it? What the extent? Where the bounds and limits? Whence the original? What is the use? With many such other captious and curious questions, which will yield no real advantage or advancement to Sovereign Power. For it was ever held that Sovereign Power then fareth best, when it is had in an awful and tacit veneration; not when it is under vulgar dispute, or popular examination.—The 4th and last argument is the loyalty and dutiful care of the commons; who conceive the entertainment of this Addition unto their Petition, might prove a disservice to his maj. to say no more; and do therefore refuse it.—It is true, that joined with your lordships, we make the great council of the king and kingdom. And, albeit your lordships may know other things better than we, yet your lordships will give us leave to think, and say, That the state and consideration of the several parts for which we serve; their dispositions and inclinations; their apprehensions, their fears and jealousies, are best known unto us. The chiefest scope and end of all our endeavours in this parliament is, to make up all rents and breaches between the king and his subjects, to draw them and knit them together, from that distance, whereof the world abroad takes too much notice, and so to work a perfect union and reconciliation between them.—To this purpose, although we right well understand how the generality of the kingdom hath been impoverished, and their substance exhausted, with late loans and contributions, and other extraordinary charges: yet we have not forborn to express our willingness to grant 5 entire Subsidies; which is to take, as it were, 5 ounces of good blood more from them; thereby to make a real demonstration to his maj. of the true hearts and zeal of his people to supply and support him in an ample measure, even out of their weak estates and decayed means: and thereby to recover and regain his majesty's former good opinion and affection unto them.—On the other side, we have made choice of four epidemical diseases, which especially infest and annoy the body of this commonwealth, to be presented unto his maj. in this Petition: the very view and Relation whereof cannot (as we assure ourselves) but make such an impression on his majesty's royal heart, as will easily move compassion; and, with compassion, a ready assent in his maj. to ease and free his good subjects from all sense of the present, and fear of the like evils hereafter: and consequently beget in the subjects, so eased and freed, a reciprocal and mutual proportion of love and thankfulness.—Now, if instead of such a clear resolution from his maj. for their present relief and future security, the people shall observe, in the conclusion of this Petition, such a reservation of Sovereign Power, as will not only revive the memory of past sufferings, but also minister just suspicion, that in time to come, when it shall please the king to make use of his like sovereign power, they may undergo the like calamities again: we appeal to your lordships wisdom, whether the Petition be likely to produce the good ends which we desire and propound unto ourselves? Nay, I will beseech your lordships to give us leave to use the figure called reticentia; that is, to insinuate and intimate unto your lordships more mischiefs and greater inconveniences, that might arise out of the interpretation of this Addition, than is safe or fit for us to utter.—Wherefore, since the admittance of your lordships Addition unto our

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Petition, is incoherent and incompatible with the body of the same, since there is no necessary use of it, for the saving of the king's prerogative; since the moderation of our Petition deserves your lordships chearful conjunction with us; since this Addition is unseasonable for the time, and improper in respect of the place where your lordships will have it inserted; and, lastly, since it is neither agreeable to those for whom we act, nor answerable to that love and duty which we owe to his maj. to hazard a matter of such unspeakable consequence, (as we aim at) by admitting this Addition into our Petition; I must conclude with a most hearty and affectionate prayer, that you would be pleased to join with the commons, in presenting their Petition unto his maj. as it is by them conceived, without this Addition."

These two reports being ended, the lords deferred the debate on the reasons contained in them, to another time: but as the lord president had reported, That the commons would not have disliked such a Proposition as the Addition is by itself, separated from the Petition, to which it was no way to relate, the house was therefore moved to treat with them again, to consider of any other way, either by manifestation, declaration, or protest. Another conference was hereupon desired, to propose this; the result and report of which, the next day was, "That the commons denied to treat of accommodation by a committee, as was proposed by the lords, for these reasons: 1. That the business was of so great weight, as appears by the long deliberation thereof, both in their house and in the lords; and their strength consisted in their whole body, like a sheaf of arrows. 2 Their house was confident, that the Petition, rightly taken, needed no accommodation. 3. Their great desire to give satisfaction to his maj. and to his pressing occasions, with all possible speed; which would be deferred by this treaty of accommodation: wherefore they desired their lordships to consider this, and also the clearness of their Petition."—After this a long debate ensued, but nothing was concluded on that day.

The Lords at length give up their Addition.] May 26. The lords went again upon this affair; when their committee for Accommodation was ordered to withdraw, and consider of somewhat, at least, to clear themselves from any design to restrain the just prerogative of the crown. Some little time after they returned, and brought in a form of a Declaration which they had agreed upon; which was read in these words:—

"May it please your most excellent majesty, We the lords spiritual and temporal, in your high court of parliament assembled, do humbly and unanimously declare unto your maj. that our intention is not to lessen or impeach any thing, which, by the oath of supremacy, we have sworn to assist and defend."

This Declaration was read 3 times, put to the question, and assented to, nem. diss. The lords also agreed, now, to join with the commons, in their Petition of Right, with only two small alterations, which the latter had before admitted of. Another conference was then required; in which the lord keeper delivered himself as follows:—

"Gentlemen, Ye that are knights, citizens, and burgesses of the house of commons, I have many times, in this parliament, by command from my lords, declared the great zeal and affection, which my lords have to maintain and nourish the good concurrence and correspondency, which hath hitherto continued between both houses; that there might be a happy issue in this great business, for the common good of the king and kingdom, now, that which I have to say this day from my lords, is to let you know, this fair proceeding is not a profession of words only; but really and indeed, concerning the Petition, which hath been long in agitation, as the weight of the cause required. Since the last conference, my lords have taken it into their serious and instant consideration; and at length are fallen upon a resolution, which I am to acquaint you with. The lords have unanimously agreed with you in omnibus, and have voted, that they will join with you in your Petition, with the only alteration of the word 'means' to be put instead of the word 'pretext;' and for the word 'unlawful' to be put out, before these words, 'not warrantable by the laws and statutes of this realm:' which two alterations yourselves consented unto. So that concerning this business there remains nothing now, but that, having the Petition in your hands, ye will, if ye have not already, vote it as they have done, and so prepare it for his maj.; and my lords will take order, that the king be moved for a speedy access to present the same to his maj." After some pause, he said, "There rests one thing which my lords have commanded me to add, That, in regard this Petition toucheth upon certain charges raised by the lords lieutenants, and other persons, many times for good use, for the service and safety of the kingdom; ye take it into your care and consideration, and provide a law for assessing of such charges, as the occasion of the time shall require."

But before this conference was held, the lords sent the duke of Buckingham to the king, to know when his maj. would be pleased to admit their house to deliver the Declaration unto him; who, soon returning, his grace said, 'That this was so welcome a thing to his maj. that he had appointed the lords to come presently.' Which, we conclude was done; but nothing more is entered in the Journals about it.

May 27. The commons sent a message to the lords, by sir Edw. Coke, and others, "To render them their most hearty thanks, for their noble and happy concurrence with them all this parliament: and they acknowledged that their lordships had not only dealt nobly with them in words, but also in deeds.' That this Petition, which they were now to deliver, contained the true liberties of the subjects of England, and a true exposition of the Great

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Charter; not great for the words thereof, but in respect of the weight of the matter contained therein, the Liberties of the People: that their lordships concurring with the commons, had crowned the work; and therefore they doubted not, but as the first parliament of king James was called felix parliamentum, so this might be justly stiled parliamentum benedictum. Sir Edward concluded with the humble desire of the commons, that the lords would join with them to beseech his maj. for the more strength of this Petition, and the comfort of his loving subjects to give a gracious answer to the same in full parliament." This said, he delivered the Petition of Right, fairly engrossed; and then they withdrew into the Painted Chamber.

The Petition of Right agreed to by both Houses and delivered to the King.] The Petition was read once, and afterwards, the messengers being called in again, the lord keeper told them, 'That the lords had taken their message into consideration; and as they had concurred in the substance, so likewise they desired to do in circumstance: but because they think it will be somewhat long to debate the manner of delivering this petition to the king; and the last desire of the commons was to avoid all delays, they said they would send to them by messengers of their own.' And, the same day, the lords sent to acquaint the other house, that they had read the Petition 3 times, and had voted it with one unanimous consent.

May 28. The lords sent a deputation of some of their members to wait upon the king, to know the time when his majesty would please to be waited on by both houses, with their Petition; who appointed three of the clock that afternoon for that purpose. Then it was agreed, that the lord keeper should only say, on the delivery, 'That he was commanded, by one unanimous consent of both houses of parliament, now assembled, to present unto his majesty an humble Petition of Right; that he was not to trouble him with any additional preface, but only desire leave to read it: and that it was also the desire of both houses, in respect of the great weight of the business, for the strengthening of it, and for the more comfort of his loving people, that his majesty would please to give his assent in full parliament.'

May 29. The lord-keeper acquainted the lords with the delivery of the Petition of Right to the king; and also reported a message to them, from his maj. to this effect: "That the king, having now received the Petition of both houses, had commanded him to signify to the lords, that he had resolved to give an Answer thereto with speed, having a desire to finish this session as soon as might be: therefore it was the king's pleasure to have no recess at Whitsuntide, but to sit on and dispatch business; which he thought to tell them now, before any were gone in expectation of a recess."

June 2. The king came to the house of lords, and, being seated on the throne, the commons attending, his maj. made the following short speech to both houses.

"Gentlemen, I am come hither to perform my promise. I think no man can think it long, since I have not taken so many days in answering the Petition, as ye have spent weeks in framing it: and I am come hither to shew you, that, as well in formal things as essential, I desire to give you as much content as in me lies."—After this the lord-keeper spake as followeth:

"My lords, and ye the knights, citizens, and burgesses of the house of commons; his maj. hath commanded me to say unto you, that he takes in good part, that in considering how to settle your own liberties, ye have generally professed in both houses, that ye have no intention to lessen or diminish his prerogative; wherein as you have declared and cleared your own intentions, so now his maj. comes to clear his; and to strike a firm league with his people, which is then most likely to be constant and perpetual, when the conditions are equal, and known to be so.—These cannot be in a more happy estate, than when your liberties shall be an ornament and a strength to his maj.'s prerogative, and his prerogative a defence of your liberties; in which his maj. doubts not, but both he and you shall take a mutual comfort hereafter; and, for his part, he is resolved to give an example, and so to use his power, that, hereafter ye shall have no cause to complain.—This is the sum of that which I am to say to you from his maj.: and that which farther remains, is, that you hear your own Petition read, and his majesty's gracious Answer."

The clerk of the parliament then read the said Petition, in hæc verba:

"PETITION OF RIGHT.

"The PETITION exhibited to his MAJESTY by the Lords Spiritual and Temporal, and commons in this present Parliament assembled, concerning divers RIGHTS and LIBERTIES of the SUBJECT, with the King's ROYAL ANSWER thereunto in full Parliament.

"To the King's most excellent maj.: humbly shew unto our sovereign lord the king, the lords spiritual and temporal, and commons, in parliament assembled, that whereas it is declared and enacted, by a statute made in the reign of king Edw. 1. commonly called, 'Statutum de Tallagio non concedendo,' that no tallage or aid shall be laid or levied, by the king or his heirs, in this realm, without the good-will and assent of the archbishops, bishops, earls, barons, knights, burgesses, and other the freemen of the commonalty of this realm: and by authority of parliament, holden in the 25th year of king Edw. 3. it is declared and enacted, that from thenceforth no person shall be compelled to make any loans to the king against his will, because such loans were against reason and the franchises of the land. And, by other laws of this realm, it is provided, that none should be charged, by any charge or im-

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position called a Benevolence, nor by such like charge; by which the statutes before mentioned, and the other the good laws and statutes of this realm, your subjects have inherited this freedom, that they should not be compelled to contribute to any tax, tallage, aid, or other like charge, not set by common consent in parliament: yet nevertheless, of late, divers commissions, directed to sundry commissioners in several counties, with instructions, have issued, by pretext whereof, your people have been in divers places assembled, and required to lend certain sums of money unto your maj. and many of them, upon their refusal so to do, have had an unlawful oath administered unto them, not warrantable by the laws and statutes of this realm, and have been constrained to become bound to make appearance, and give attendance before your privy council, and in other places; and others of them have therefore been imprisoned, confined, and sundry other ways molested and disquieted: and divers other charges have been laid and levied upon your people, in several counties, by lords lieutenants, deputy lieutenants, commissioners for musters, justices of peace, and others, by command or direction from your maj. or your privy council, against the laws and free customs of this realm.—And whereas also, by the statute called, 'The Great Charter of the Liberties of England,' it is declared and enacted, that no freeman may be taken or imprisoned, or be disseized of his freeholds or liberties, or his free customs, or be outlawed or exiled, or in any manner destroyed, but by the lawful judgment of his peers, or by the law of the land. And in the 28th year of the reign of king Edw. 3. it was declared and enacted by authority of parliament, that no man, of what estate or condition that he be, should be put out of his lands or tenements, nor taken, nor imprisoned, nor disherited, nor put to death, without being brought to answer by due process of law: Nevertheless, against the tenor of the said statutes, and other the good laws and statutes of your realm, to that end provided, divers of your subjects have of late been imprisoned, without any cause shewed; and when, for their deliverance, they were brought before your justices, by your maj.'s writs of Habeas Corpus, there to undergo and receive as the court should order, and their keepers commanded to certify the causes of their detainer, no cause was certified, but that they were detained by your maj.'s special command, signified by the lords of your privy council; and yet were returned back to several prisons, without being charged with any thing, to which they might make answer by due process of law.—And whereas of late, great companies of soldiers and mariners have been dispersed into divers counties of the realm, and the inhabitants, against their wills, have been compelled to receive them into their houses, and there to suffer them to sojourn, against the laws and customs of this realm, and to the great grievance and vexation of the people:—And whereas, also, by authority of parliament, in the 25th year of the reign of king Edw. 3. it is declared and enacted, that no man shall be fore-judged of life or limb against the form of the Great Charter, and other the laws and statutes of this realm; and by the said Great Charter, and other the laws and statutes of this your realm, no man ought to be adjudged to death, but by the laws established in this your realm, either by the customs of the same realm, or by acts of parliament: and, whereas, no offender of what kind soever is exempted from the proceedings to be used, and punishments to be inflicted by the laws and statutes of this your realm: nevertheless, of late, divers commissions, under your Majesty's great seal, have issued forth, by which, certain persons have been assigned and appointed commissioners with power and authority to proceed, within the land, according to the justice of martial law against such soldiers and mariners, or other dissolute persons joining with them, as should commit any murder, robbery, felony, mutiny, or other outrage or misdemeanor whatsoever; and by such summary course and order, as is agreeable to martial law, and is used in armies in time of war, to proceed to the trial and condemnation of such offenders, and them to cause to be executed and put to death, according to the martial law: by pretext whereof, some of your majesty's subjects have been, by some of the said commissioners, put to death; when and where, if by the laws and statutes of the land they had deserved death, by the same laws and statutes also they might, and by no other ought to have been adjudged and executed: and, also, sundry grievous offenders by colour thereof, claiming an exemption, have escaped the punishment due to them by the laws and statutes of this your realm, by reason that divers of your officers and ministers of justice have unjustly refused, or forborn to proceed against such offenders, according to the same laws and statutes, upon pretence that the said offenders were punishable only by martial law, and by authority of such commissions as aforesaid; which commissions, and all others of like nature, are wholly and directly contrary to the said laws and statutes of this your realm:—They do therefore, humbly, pray your most excellent maj. That no man hereafter be compelled to make or yield, any gift, loan, benevolence, tax, or such like charge, without common consent by act of parliament; and that none be called to make answer, or take such oath, or to give attendance, or be confined, or otherwise molested or disquieted concerning the same, or for refusal thereof: and that no freeman, in any such manner as is before-mentioned, be imprisoned or detained: and that your maj. will be pleased to remove the said soldiers and mariners; and that your people may not be so burdened in time to come: and that the aforesaid commissions for proceeding by martial law, may be revoked and annulled; and that hereafter no commissions of like nature may

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issue forth to any person or persons whatsoever, to be executed as aforesaid, lest, by colour of them, any of your majesty's subjects be destroyed or put to death, contrary to the laws and franchise of the land.—All which they most humbly pray of your most excellent maj. as their Rights and Liberties, according to the laws and statutes of this realm: and that your maj. would also vouchsafe to declare, That the awards, doings and proceedings, to the prejudice of your people, in any of the premisses, shall not be drawn hereafter into consequence or example: and that your maj. would be also graciously pleased for the further comfort and safety of your people, to declare your royal will and pleasure, that, in the things aforesaid, all your officers and ministers shall serve you, according to the laws and statutes of this realm, as they tender the honour of your maj. and the prosperity of this kingdom."

THE KING'S ANSWER.

"The king willeth, that Right be done according to the laws and customs of the realm; and that the statutes be put in due execution, that his subjects may have no cause to complain of any wrongs or oppressions, contrary to their just Rights and Liberties, to the preservation whereof, he holds himself, in conscience, as well obliged, as of his own prerogative."

Before we proceed to give an account how the commons relished the King's Answer to their Petition of Right, it is necessary here to insert an affair, which happened about this time, and which proved of some consequence in the sequel.

Mr. Rouse's Charge against Dr. Manwaring.] June 3. Mr. *Rouse*, a member of the house of commons, brought in a Charge to that house against one Dr. Roger Manwaring, which some days after was seconded with a declaration, which he delivered in this manner.*—"Mr. Speaker, I am to deliver, from the committee, a Charge against Mr. Manwaring, a preacher and doctor of divinity, but a man so criminous, that he hath turned his titles into accusation; for the better they are, the worse is he that dishonours them. Here is a great charge that lies upon him, it is great in itself, and great because it hath many great charges in it; 'Serpens qui serpentem devorat fit draco;' his charge, having digested many charges into it, becomes a monster of charges. The main and great one is this: a plot and practice, to alter and subvert the frame and fabrick of this estate and common-wealth. This is the great one, and it hath others in it that give it more weight. To this end, 1. He labours to infuse into the conscience of his maj. the persuasion of a power not bounding itself with laws, which king James of famous memory, calls, in his speech to the parliament, tyranny, yea, tyranny accompanied with perjury. 2. He endeavours to persuade the conscience of the subjects, that they are bound to obey commands illegal; yea he damns them for not obeying them. 3. He robs the subjects of the property of their goods. 4. He brands them that will not lose this property, with most scandalous speech and odious titles; to make them both hateful to prince and people; so to set a division between the head and the members, and between the members themselves. 5. To the same end, not much unlike to Faux and his fellows, he seeks to blow up parliaments and parliamentary powers.—These five, being duly viewed, will appear to be so many charges; and they make up altogether the great and main charge; a mischievous plot to alter and subvert the frame and government of this state and commonwealth. And now, though you may be sure, that Mr. Manwaring leaves us no property in our goods; yet, that he hath an absolute property in this charge, Audite ipsam Belluam. Hear himself making up his own charge." Here Mr. Rouse read several passages out of his book, and then proceeded, "You have heard his Charge made up by his own words, and withal I doubt not but you seem to hear the voice of that wicked one 'Quid dabitis?' What will you give me, and I will betray this state, kingdom, and commonwealth? But there are two observations (I might add a third, which is like unto 'A three-fold cord which cannot easily be broken) will draw the charge more violently upon him. The first is of the time when this doctrine of destruction was set forth; it was preached in the heat of the Loan, and of those Imprisonments which accompanied the Loan; and it was printed in the beginning of that term, which ended in a remittitur: so that you might guess there might be a double plot, both by law and conscience, to set on fire the frame and estate of this commonwealth: and one of these entailed foxes was Mr. Manwaring. Another note may be taken of the time, that is, the unseasonableness of it; for this doctrine of the Loan, in case of necessity, was the year after an assent in parliament, to 4 Subsidies and 3 fifteens; which might have served for a sufficient stopple for the doctor's mouth, to keep in his doctrine of necessity. A second observation may be of the means, by which he seeks to destroy this commonwealth; his means are divinity, yea, by his divinity he would destroy both king and kingdom. 1. The king: for can there be a greater mischief to a prince, than to put the opinion of deity into his ears? for, if from his ears it should pass to his heart, it might be mortal: you know how Herod perished. Now this man gives a participation of divine omnipotence to kings; and though a part may seem to qualify, yet all doth seem again to fill up that qualification; and very dangerously, if we remember what God saith of himself, 'I am a jealous God.' 2. He goes about to destroy the kingdom and commonwealth by his divinity; but do we ever find in scripture such a destroying divinity? Surely I find there, That 'God is a God of order, and not of confusion.' And that 'the Son of God came to save, and

* From sir John Napier's MS.

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not to destroy. By which it seems he hath not his divinity from God, nor from the son of God: but, from the scriptures, I find there is one in hell called 'the Destroyer.' And that we may know he went to hell for his divinity, he names sundry jesuits and friars, with whom he consulted and traded for his divinity. But, not to bely even hell itself, the jesuits are honester than he; for if he had not brought more hell unto them than he found in them, he had never found this divinity which he hath brought forth; yea, in his quotations he hath used those shifts and falshoods, for which boys are whipt in schools, and yet by them he thinks to carry the cause of a kingdom.—But, for a conclusion, to give the true character of this man, whom I never saw, I will shew it you by one whom I know to be contrary to him: Samuel we know all to be a true prophet; now we read of Samuel, That 'he writ the law of the kingdom in a book, and laid it up before the Lord.' And this he did, as one of Mr. Manwaring's own authors affirms, that the king may know what to command, and the people what to obey: but Mr. Manwaring, finding the law of this kingdom written in books, tears it in pieces, and that in the presence of the Lord in a pulpit; that the king may not know what to command, nor the people what to obey. Thus Mr. Manwaring, being contrary to a true prophet, must needs be a false one; and the judgment of a false prophet belongs to him. I have shewed you an evil tree, that bringeth forth evil fruit; and now it rests with you to determine, whether the following sentence shall follow, 'Cut it down, and cast it into the fire."

Sanderson, in his life of Charles I. informs us, That this Dr. Manwaring preached two bold sermons, one before the king, and the other at his parish church. In the first he asserted, "That the king's royal command, imposing taxes and loans, without consent of parliament, did so far bind the conscience of the subjects of this kingdom, that they could not refuse the payment without peril of damnation." The other was on this topic, "That the authority of parliament was not necessary for the raising Aids and Subsidies." This author adds, he well remembers what the king said when he was afterwards censured for it; 'He that will preach more than he can prove, let him suffer for it; I give him no thanks for giving me my due.' So that this being entirely the business of parliament, he was left, both by the king and church, to their sentence; which will follow in the sequel.

The King's Answer to the Petition of Right, not agreeable to the Commons.] Mr. Rushworth tells us, That on the 3d of June the King's Answer to the Petition of Right was read in the commons, and seemed too scant, in regard to so much expence of time and labour, as had been employed in contriving it: and, that thereupon, sir John Elliott stood up, and made a long speech, wherein he gave forth so full and lively a representation of all Grievances, both general and particular, as if they had never before been mentioned. There is only a short abstract of it in the Collections, but the following copy of it at large, is taken from sir John Napier's M.S.

Sir J. Elliot recapitulates all their Grievances.] Sir John Elliot rose and said—"Mr. Speaker, We sit here as the great council of the king; and in that capacity it is our duty to take into consideration the state and affairs of the kingdom; and where there is occasion, to give them a true representation by way of counsel and advice, with what we conceive necessary or expedient for them. In this consideration, I confess, many a sad thought hath affrighted me; and that not only in respect of our dangers from abroad, which yet I know are great, as they have been often in this place prest and dilated to us, but in respect of our disorders here at home, which do inforce those dangers, and by which they are occasioned: for, I believe, I shall make it clear unto you, that both, at first, the cause of these dangers were our disorders, and our disorders now are yet our greatest dangers; and not so much the potency of our enemies, as the weakness of ourselves do threaten us; and that saying of the father may be assumed by us; 'Non tam potentia sua quam negligentia nostra.' Our want of true devotion to heaven, our insincerity and doubling in religion, our want of councils, our precipitate actions, the insufficiency or unfaithfulness of our generals abroad, the ignorance or corruptions of our ministers at home, the impoverishing of the sovereign, the oppression and depression of the subject, the exhausting of our treasures, the waste of our provisions, consumption of our ships, destruction of our men. These make the advantage to our enemies, not the reputation of their arms. And if in these there be not reformation, we need no foes abroad; time itself will ruin us.'—To shew this more fully, I believe, you will all hold it necessary, that they seem not an aspersion on the state, or imputation on the government, as I have known such motions misinterpreted; but far is this from me to propose, who have none but clear thoughts of the excellency of the king, nor can have other ends but the advancement of his majesty's glory: I shall desire a little of your patience extraordinary to open the particulars; which I shall do with what brevity I may, answerable to the importance of the cause and the necessity now upon us; yet with such respect and observation to the time, as I hope it shall not be thought troublesome.—For the first then, our insincerity and doubling in Religion is the greatest and most dangerous disorder of all others; this hath never been unpunished, and of this we have many strong examples of all states, and in all times, to awe us. What testimony doth it want? Will you have authority of books? Look on the collections of the committee for Religion, there is too clear an evidence. See then the commission procured for composition with the Papists in the North:

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mark the proceedings thereupon; and you will find them to little less amounting than a toleration in effect: the slight payments and the easiness in them, will likewise shew the favour that is intended. Will you have proofs of men, witness the hopes, witness the presumptions, witness the reports of all the Papists generally: observe the dispositions of commanders, the trust of officers, the confidence in secretaries to employments in this kingdom, in Ireland, and elsewhere: these all will shew it hath too great a certainty; and to this add but the incontrovertible evidence of that all-powerful Hand, which we have felt so sorely that gave it full assurance; for as the heavens oppose themselves to us for our impiety, so it is we that first opposed the heavens.'—For the second, our Want of Councils, that great disorder in a state, with which there cannot be stability. If effects may shew their causes, as they are often a perfect demonstration of them, our misfortunes, our disasters serve to prove it; and the consequences they draw with them. If reason be allowed in this dark age, the judgment of dependencies and foresight of contingencies in affairs do confirm it. For if we view ourselves at home, are we in strength, are we in reputation equal to our ancestors? If we view ourselves abroad, are our friends as many; are our enemies no more? Do our friends retain their safety and possessions? Do not our enemies enlarge themselves, and gain from them and us? To what counsel owe we the loss of of the Palatinate, where we sacrificed both our honour, and our men sent thither; stopping those greater powers appointed for that service, by which it might have been defensible. What counsel gave direction to the late action, whose wounds are yet bleeding, I mean the expedition to Rhee, of which there is yet so sad a memory in all men? What design for us, or advantage to our state could that import? You know the wisdom of our ancestors, and the practice of their times, how they preserved their safeties. We all know, and have as much cause to doubt as they had, the greatness and ambition of that kingdom, which the whole world could not satisfy. Against this greatness and ambition, we likewise know the proceedings of that excellent queen, Elizabeth; whose name, without admiration, falls not into mention even with her enemies. You know how she advanced herself, and how she advanced this nation in glory and in state; how she depressed her enemies, and upheld her friends; how she enjoyed a full security, and made them then our scorn, whom now are made our terror! Some of the principles she built on were these; and, if I mistake, let reason and our statesmen contradict me. 1st. To maintain, in what she might, an unity in France, that that kingdom, being at peace within itself, might be a bulwark to keep back the power of Spain by land.' Next to preserve an amity and league between that state and us, that so we might come in aid of the Low-Countries, and by that means receive their ships and help them by sea. This treble cord, so working between France, the States, and England, might enable us, as occasion should require, to give assistance unto others; and, by this means, the experience of that time doth tell us that we were not only free from those fears that now possess and trouble us, but then our names were fearful to our enemies. See now what correspondency our actions had with this; square them by these rules. It did induce, as a necessary consequence, a division in France between the protestants and their king, of which there is too woful and lamentable experience. It hath made an absolute breach between that state and us; and so entertains us against France, and France in preparation against us, that we have nothing to promise to our neighbours, nay hardly to ourselves. Nay, observe the time, in which it was attempted, and you shall find it not only varying from those principles, but directly contrary and opposite ex diametro to those ends; and such, as from the issue and success, rather might be thought a conception of Spain, than begotten here with us." [Here there was an interruption made by sir H. May chancellor of the duchy, and one of the privy-council, expressing a dislike, but the house ordered sir John to go on: whereupon he proceeded thus:] "Mr. Speaker, I am sorry for this interruption, but much more sorry if there hath been occasion; wherein, as I shall submit myself wholly to your judgment to receive what censure you should give me, if I have offended: so, in the integrity of my intentions and clearness of my thoughts, I must still retain this confidence, that no greatness shall deter me from the duties which I owe to the service of my king and country; but that with a true English heart, I shall discharge myself as faithfully and as really, to the extent of my poor power, as any man, whose honours, or whose offices, most strictly oblige him.—You know the dangers Denmark is in, and how much they concerned us; what in respect of our alliance and the country; what in the importance of the Sound; what an advantage to our enemies the gain thereof would be? What loss, what prejudice to us by this disunion; we breaking upon France, France enraged by us, and the Netherlands at amazement between both? Neither could we intend to aid that luckless king, whose loss is our disaster? Can those now, that express their troubles at the hearing of these things, and have so often told us, in this place of their knowledge in the conjunctures and disjunctures of affairs, say, they advised in this? Was this an act of council, Mr. Speaker? I have more charity than to think it; and, unless they make a confession of themselves I can not believe it.—For the next the Insufficiency and Unfaithfulness of our Generals, (that great disorder abroad,) what shall I say? I wish there were not cause to mention it; and, but out of the apprehension of the danger that is to come, if the like

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choice hereafter be not prevented, I could willingly be silent: but my duty to my sovereign, my service to this house, and the safety and honour of my country, are above all respects: and what, so nearly, trenches to the prejudice of this, must not, shall not, be forborn. At Cadiz then, in that first expedition we made, when we arrived and found a conquest ready, the Spanish ships I mean fit for the satisfaction of a voyage; and of which some of the chiefest, then there themselves, have since assured me that the satisfaction would have been sufficient, either in point of honour, or in point of profit: why was it neglected? Why was it not atchieved, it being of all hands granted, how feisable it was? After, when with the destruction of some of our men, and with the exposition of some others, (who though their fortune since have not been such,) by chance came off: when, I say, with the loss of our serviceable men, that unserviceable fort was gained, and the whole army landed; why was there nothing done? why was there nothing attempted? If nothing was intended, wherefore did they land? If there was a service, wherefore were they ship'd again?—Mr. Speaker, it satisfies me too much in this, when I think of their dry and hungry march into that drunken quarter, (for so the soldiers termed it,) where was the period of their journey; that divers of our men, being left as a sacrifice to the enemy, that labour was at an end. —For the next undertaking, at Rhée, I will not trouble you much; only this in short: was not that whole action carried against the judgment, and opinion of those officers, that were of the council? Was not the first, was not the last, was not all, in the landing, in the intrenching, in the continuance there, in the assault, in the retreat, without their assent? Did any advice take place of such as were of the council? If there should be made a particular inquisition thereof, these things will be manifest, and more. I will not instance the Manifesto that was made for the reason of these arms; nor by whom, nor in what manner, nor on what grounds it was published: nor what effects it hath wrought, drawing, as it were, almost the whole world into league against us: nor will I mention the leaving of the Wines, the leaving of the Salt which were in our possession; and of a value, as 'tis said, to answer much of our expence; nor that great wonder which no Alexander or Cæsar ever did, the inriching of the enemy by courtesies when our soldiers wanted help: nor the private intercourses and parlies with the Fort, which continually were held: what they intended may be read in the success, and upon due examination thereof they would not want their proofs.—For the last Voyage to Rochelle, there needs no observations; it is so fresh in memory: nor will I make an inference or corollary on all. Your own knowledge shall judge what truth, or what sufficiency they express.—For the next, the Ignorance and Corruption of our Ministers, where can you miss of instances? If you survey the court, if you survey the country; if the church, if the city be examined; if you observe the bar, if the bench; if the ports, if the shipping; if the land, if the seas: all these will render you variety of proofs, and that, in such measure and proportion, as shews the greatness of our disease to be such, that, if there be not some speedy application for remedy, our case is almost desperate.—Mr. Speaker, I fear I have been too long in these particulars that are past, and am unwilling to offend you; therefore in the rest I shall be shorter: and in that which concerns the impoverishing of the king, no other arguments will I use, than such as all men grant. The Exchequer, you know, is empty, and the reputation thereof gone; the antient lands are sold; the jewels pawned; the plate engaged; the debts still great; almost all charges, both ordinary and extraordinary, borne up by projects: what poverty can be greater? what necessity so great? what perfect English heart is not almost dissolved into sorrow for this truth?—For the Oppression of the Subject, it needs no demonstration; the whole kingdom is a proof; and for the exhausting of our treasures, that very oppression speaks it. What waste of our provisions, what consumption of our ships, what destruction of our men have been; witness that Journey to Algiers—witness that with Mansfield—witness that to Cadiz—witness the next—witness that to Rhee —witness the last. (I pray God we may never have more such witnesses.) Witness likewise the Palatinate—witness Denmark—witness the Turks—witness the Dunkirkers—witness all. What losses we have sustained, how we are impaired in munition, in ships, in men! It is beyond contradiction, that we were never so much weakened, nor ever had less hope how to be restored.—These, Mr. Speaker, are our dangers; these are they which do threaten us; and these are like the Trojan horse brought in cunningly to surprize us: in these do lurk the strongest of our enemies, ready to issue on us; and if we do not speedily expel them, these are the signs, these the invitations to others: these will so prepare their entrance, that we shall have no means left of refuge or defence: for if we have these enemies at home, how can we strive with those that are abroad? If we be free from these, no other can impeach us? Our antient English virtue, like the old Spartan valour, cleared from these disorders; our being in sincerity of religion and once made friends with heaven; having maturity of councils, sufficiency of generals, incorruption of officers, opulency in the king, liberty in the people, repletion in treasure, plenty of provisions, reparation of ships, preservation of men: our antient English virtue, I say, thus rectified, will secure us; and, unless there be a speedy reformation in these, I know not what hopes or expectations we can have.—These are the things, sir, I shall desire to have taken into consideration, that as we are the great council of the kingdom, and have the apprehension of these dangers, we may

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truly represent them unto the king; whereto, I conceive, we are bound by a treble obligation, of duty to God, of duty to his majesty, and of duty to our country.—And therefore I wish it may so stand with the wisdom and judgment of the house, that they may be drawn into the body of a Remonstrance, and in all humility expressed; with a prayer unto his maj. That, for the safety of himself, for the safety of the kingdom, and for the safety of religion, he will be pleased to give us time to make perfect inquisition thereof, or to take them into his own wisdom, and there give them such timely reformation as the necessity and justice of the case doth import. And thus, sir, with a large affection and loyalty to his maj. and with a firm duty and service to my country, I have suddenly, and it may be with some disorder, expressed the weak apprehensions I have; wherein, if I have erred, I humbly crave your pardon, and so submit myself to the censure of the house."

Rushworth observes, 'That many of the members thought it not suitable to the wisdom of the house, in that conjuncture, to begin to recapitulate those misfortunes which were now obvious to all; accounting it more discretion not to look back but forward; and, since the king was so near to meet them, that the happiness they expected might not be lost: and these were for petitioning his maj. for a fuller Answer.' It was intimated by sir Hen. Martin, 'That this speech of sir J. Elliot was suggested from disaffection to his majesty.' And there wanted not some who said, 'It was made out of dislike to his majesty's Answer to their Petition: but sir J. Elliot protested the contrary; and that himself and others had a resolution to open these last mentioned Grievances, to satisfy his maj. therein, only they staid for an opportunity: which averment of sir J. Elliot was attested by sir Tho. Wentworth and sir Rob. Philips.—In this debate sir Edw. Coke propounded, 'That an humble Remonstrance be presented to his maj. touching the present dangers, and the means of safety both for the king and kingdom; which was agreed to by the house; and thereupon the committee for the bill of Subsidies was ordered to expedite the said remonstrance.'—In all, or most of these debates, the serjeant was ordered to attend on the outside of the door of the house, and no man was to offer to go out, upon penalty of being sent to the Tower.

Sir B. Rudyard's Speech for better Maintenance of the inferior Clergy.] About this time a committee, of which Mr. Pym was chairman, being appointed to consider of a bill for the better maintenance of the inferior Clergy,

Sir *Benj. Rudyard* made the following speech:*—"Mr. Pym; I did not think to have spoken to this bill, because I was willing to believe that the forwardness of this committee would have prevented me; but now I hold myself bound to speak, and to speak in earnest. In the first year of the king, and the second convention, I first moved for the increase and inlargement of poor Ministers Livings: I shewed how necessary it was, though it had been neglected; this was also commended to the house by his maj. There being then, as now, many accusations on foot against scandalous ministers, I was bold to tell the house, that there were also scandalous livings, which were much the cause of the other; livings of five pounds, nay even five marks a year; that men of worth and parts would not be muzzled up to such pittances; that there were some such places in England, as were scarce in all Christendom beside, where God was little better known than amongst the Indians. I exampled it in the utmost skirts of the North, where the prayers of the common people are more like spells and charms than devotions; the same blindness and ignorance is in divers parts of Wales, which many in that country do both know and lament. I also declared, that to plant good ministers was the strongest and surest means to establish true religion; that it would prevail more against Papistry, than the making of new laws, or executing of old; that it would counter-work court-connivance and luke-warm accommodation; that though the calling of ministers be never so glorious within, the outward poverty will bring contempt upon them; especially among those, who measure them by the ounce, and weigh them by the pound; which indeed is the greatest part of men. Mr. Pym, I cannot but testify how, being in Germany, I was exceedingly scandalized to see the poor stipendiary ministers of the reformed churches there, despised and neglected by reason of their poverty, being otherwise very grave and learned men. I am afraid this is a part of the burthen of Germany, which ought to be a warning to us: I have heard many objections and difficulties, even to impossibilities against this bill. To him that is unwilling to go, there is ever a bear or a lion in the way. First let us make ourselves willing, then will the way be easy and safe enough. I have observed, that we are always very eager and fierce against papistry, against scandalous ministers, and against things which are not so much in our power. I should be glad to see that we did delight as well in rewarding as in punishing, and in undertaking matters within our reach, as this is absolutely within our power: our own duties are next us, other men's further off. I do not speak this, that I do mislike the destroying and pulling down of that which is ill; but then let us be as earnest to plant and build up that which is good in the room of it; for why should we be desolate? the best and the greatest way to dispel darkness and the deeds thereof, is to let in light: we say that day breaks, but no man can ever hear the noise of it; God comes in the still voice: let us quickly mend our candlesticks, and we cannot want lights.—I am afraid this backwardness of ours will give the adversary occasion to say, that we chuse our religion because it is the cheaper of the two, and that we would

* From the 'Ephemeris Parliamentaria.'

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willingly serve God with somewhat that costs us nought. Believe it, Mr. Pym, he that thinks to save any thing by his religion, but his soul, will be a terrible loser in the end: we sow so sparingly, and that is the reason we reap so sparingly, and have no more fruit. Methinks whosoever hates papistry, should by the same rule hate covetousness; for that is idolatry too. I never liked hot professions and cold actions, such a heat is rather the heat of a distemper and disease, than of life and saving health.—For scandalous ministers, there is no man shall be more forward to have them severely punished than I will be; when salt has lost its savour, fit it is to be cast on that unsavoury place, the dunghill. But, sir, let us deal with them as God hath dealt with us: God, before he made man, made the world, a handsome place for him to dwell in; so let us provide them convenient livings, and then punish them in God's name: but, till then, scandalous livings cannot but have scandalous ministers. It shall ever be a rule to me, that where the church and commonwealth are both of one religion, it is comely and decent that the outward splendour of the church should hold a proportion, and participate with the prosperity of the temporal state; for why should we dwell in houses of cedar, and suffer God to dwell in tin? It was a glorious and religious work of king James, and I speak it to his unspeakable honour, and to the praise of that nation; who (though that country be not so rich as ours, yet they are richer in their affections to religion) within the space of one year caused churches to be planted through all Scotland, the Highlands and borders, worth 30*l.* a year a-piece, with a house and some glebe belonging to them; which 30*l.* a year, considering the cheapness of the country, and the modest fashion of ministers living there, is worth double as much as any where within 100 miles of London. The printed act and commission, whereby it may be executed, I have here in my hand, delivered unto me by a noble gentleman of that nation, and a worthy member of this house, sir Francis Stuart.—To conclude; although christianity and religion be established generally throughout this kingdom, yet, until it be planted more particularly, I shall scarce think this a christian commonwealth; seeing it hath been moved and stirred in parliament, it will lie heavy upon parliaments, until it be effected.—Let us do something for God, here, of our own, and no doubt God will bless our proceedings in this place the better for ever hereafter: and, for my own part, I will never give over soliciting this cause as long as parliaments and I shall live together."

June 4. The lord keeper delivered a Message to the lords from the king, to this effect: "That his maj. upon many pressing and urgent occasions, had resolved to hasten an end to this session, and prorogue the parliament to a further time; and had appointed Wednesday, the 11th of June, for that purpose: and had commanded this to be signified to both houses, in order that those businesses, which were before them of greater consequence, might be expedited."

The King's Message to both Houses to expedite Business.] The same day a Message from the king was delivered to the commons, by their Speaker, to this purport: "That his maj. having, upon the Petition exhibited by both houses, given an Answer full of justice and grace, for which we and our posterity have just cause to bless him, it is now time to grow to a conclusion of the session; and therefore his majesty thinks fit to let you know, that as he doth resolve to abide by that Answer, without further change or alteration, so he will royally and really perform unto you what he hath thereby promised. And further, that he resolves to end this session upon Wednesday the 11th of this month; and therefore wisheth, that the house would seriously attend those businesses, which may best bring the session to a happy conclusion, without entertaining new matters; and so husband the time, that his maj. may, with the more comfort, bring us speedily together again: at which time, if there be any further Grievances, not contained or expressed in the Petition, they may be more maturely considered than the time will now permit."

Declaration of the Commons against Dr. Manwaring.] After the reading of this Message, the house, instead of taking any notice of it, proceeded with a Declaration against Dr. Manwaring; which was the same day presented to the lords at a conference between the committees of both houses: and Mr. Pym was appointed by the commons to manage that conference.—The Declaration was as follows:

"The DECLARATION of the COMMONS against ROGER MANWARING, Clerk, Doctor in Divinity.

"For the more effectual prevention of the apparent ruin and destruction of this kingdom, which must necessarily ensue, if the good and fundamental laws and customs, therein established, should be brought into contempt and violated; and that form of government thereby altered, by which it hath been so long maintained in peace and happiness; and to the honour of our sovereign lord the king, and for the preservation of his crown and dignity, the commons in this present parliament assembled, do, by this their bill, shew and declare against Roger Manwaring, clerk, D. D. that whereas, by the laws and statutes of this realm, the free subjects of England do undoubtedly inherit this right and liberty, not to be compelled to contribute any tax, tallage, or aid, or to make any loans, not set or imposed, by common consent, by act of parliament: and whereas divers of his maj.'s loving subjects, relying upon the said laws and customs, did, in all humility, refuse to lend such sums of money, without authority of parliament, as were lately required of them: nevertheless he, the said Roger, in contempt, and contrary to the laws of this realm, hath lately preached in his maj.'s presence, two se-

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veral sermons: that is to say, the 4th of July last, one of the said sermons; and, the 29th of the same month, the other; both which he has since published in print, in a book entitled 'Religion and Allegiance;' and, with a wicked and malicious intention to seduce and misguide the conscience of the king, touching the observation of the laws and customs of this kingdom, and of the rights and liberties of the subjects; to incense his royal displeasure against his good subjects so refusing; to scandalize, subvert, and impeach the good laws and government of this realm, and the authority of the high court of parliament; to alienate the king's heart from his people, and to cause jealousies, sedition, and division in the kingdom; he, the said Roger doth, in the said sermons and book, persuade his maj. as follows:—1st. That his maj. is not bound to keep and observe the good laws and customs of this realm, concerning the rights and liberties of the subjects aforementioned: and that his royal will and command in imposing loans, taxes, and other aids upon his people, without common consent in parliament, doth so far bind the consciences of the subjects of this kingdom, that they cannot refuse the same, without peril of eternal damnation! 2nd. That those of his majesty's loving subjects, who refused the Loan aforementioned, in such manner as is before cited, did therein offend against the law of God, and against his majesty's supreme authority; and, by so doing became guilty of impiety, disloyalty, rebellion, and disobedience, and liable to many other censures; which he, in the several parts of his book, doth most falsly and maliciously lay upon them. 3rd. That the authority of parliament is not necessary for the raising of aids and subsidies; that the slow proceedings of such assemblies are not fit for the supply of the urgent necessities of the state, but rather apt to produce sundry impediments to the just designs of princes, and to give them occasion of displeasure and discontent. All which the commons are ready to prove, not only by the general scope of the same sermons and book, but likewise by several clauses, assertions, and sentences therein contained; and that he, the said Roger by preaching and publishing the sermons and book aforementioned, did most unlawfully abuse his holy function, instituted by God in his church, for the guiding of the consciences of all his servants, and chiefly of sovereign princes and magistrates; and for the maintenance of the peace and concord betwixt all men, especially betwixt the king and his people; and hath thereby most grievously offended against the crown and dignity of his maj. and against the prosperity and good government of this state and common-wealth. And the said commons, by protestation, saving to themselves the liberty of exhibiting, at any time hereafter on any other occasion, any impeachment against the said Roger; and also of replying to the answers, which the said Roger shall make unto any of the matters contained in this present bill of complaint; and of offering further proof of the premisses, or any of them, as the cause, according to the course of parliament, shall require, do pray, that the said Roger may be put to answer to all and every the premisses; and that such proceeding, examination, trial, judgment, and exemplary punishment may be thereupon had and executed, as is agreeable to law and justice."

Mr. Pym's Speech in Support thereof.] This Declaration ingrossed in parchment being read,

Mr. *Pym* addressed himself to the lords in this manner; "That he should speak to this cause with more confidence, because he saw nothing to discourage him; if he considered the matter, the offences were of a high nature, and of easy proof; if he considered their lordships, who were the judges, their own interest, their own honour, the example of their ancestors, the care of their posterity, would all be advocates with him, in this cause, on the behalf of the common-wealth; if he considered the king our sovereign, (the pretence of whose service and prerogative might perchance, be sought unto as a defence and shelter for this delinquent) he could not but remember that part of the king's Answer to the Petition of Right of both houses, 'That his maj. held himself bound in conscience to preserve their liberties,' which this man would persuade him to impeach." He farther said, "that he could not but remember his majesty's love to piety and justice, manifested upon all occasions, and he knew love to be the root and spring of all other passions and affections. A man therefore hates, because he sees somewhat in that which he hates contrary to that which he loves; a man therefore is angry, because he sees somewhat in that wherewith he is angry, that gives impediment and interruption to the accomplishment of that which he loves. If this be so, by the same act of apprehension, by which he believes his majesty's love to piety and justice, he must needs believe his hate and detestation of this man, who went about to withdraw him from the exercise of both." Then he proceeded to that which, he said, was the task enjoined him, 'To make good every clause of that which had been read unto them;' which, that he might the more clearly perform, he proposed to observe that order of parts, into which the said Declaration was naturally dissolved. 1. Of the preamble. 2. The body of the charge. 3. The conclusion or prayer of the commons. The preamble consisted altogether of recital; 1. Of the inducements upon which the commons undertook this complaint. 2. Of those laws and liberties, against which the offence was committed. 3. Of the violation of those laws which have relation to that offence.—From the connection of all these recitals, he said, there did result 3 positions, which he was to maintain as the ground-work and foundation of the whole cause. 1. That the form of government in any state, could not be altered without apparent danger of ruin to that state. 2. The law of England, whereby the subject is exempt-

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ed from taxes and loans, not granted by common consent of parliament, was not introduced by any statute, or by any charter or sanction of princes, but was the antient and fundamental law, issuing from the first frame and constitution of the kingdom. 3. That this Liberty of the Subject is not only most convenient and profitable for the people, but most honourable and necessary for the king; yea, in that point of Supply, for which it was endeavoured to be broken. As for the 1st position, The best form of government is that, which doth actuate and dispose every part and member of a state to the common-good; and as those parts give strength and ornament to the whole, so they receive from it again strength and protection in their several stations and degrees. If this mutual relation and intercourse be broken, the whole frame will quickly be dissolved, and fall in pieces; and, instead of this concord and interchange of support, whilst one part seeks to uphold the old form of government, and the other part to introduce a new, they will miserably consume and devour one another. Histories are full of the calamities of whole states and nations in such cases. It is true, that time must needs bring about some alterations, and every alteration is a step and degree towards a dissolution; those things only are eternal which are constant and uniform: therefore it is observed by the best writers on this subject, that those common-wealths have been most durable and perpetual, which have often reformed and recomposed themselves according to their first institution and ordinance; for by this means they repair the breaches and counterwork the ordinary and natural effects of time.—The 2nd is as manifest. There are plain footsteps of those laws in the government of the Saxons; they were of that vigour and force as to overlive the Conquest; nay, to give bounds and limits to the conqueror, whose victory gave him first hope; but the assurance and possession of the crown he obtained by composition; in which he bound himself to observe these, and the other antient laws and liberties of the kingdom, which afterwards he likewise confirmed by oath at his coronation; and from him the said obligation descended to his successors. It is true they have been often broken, but they have been often confirmed by charters of kings, and by acts of parliaments: but the petitions of the subjects, upon which those charters and acts were founded, were ever Petitions of Right, demanding their antient and due liberties, not suing for any new.—To clear the 3rd position may seem to some men more a paradox, That those liberties of the subject should be so convenient and profitable to the people, and yet most necessary for the supply of his maj. It hath been, upon another occasion, declared, that if these liberties were taken away, there would remain no more industry, no more justice, no more courage; for who will contend, who will endanger himself, for that which is not his own? But, he said, he would not insist upon any of those points, nor upon others equally important; but only observe, that if those liberties were taken away, there would remain no means for the subjects, by any act of bounty or benevolence, to ingratiate themselves with their sovereign. And he desired their lordships to remember what profitable prerogatives the laws had appointed for the support of sovereignty; as wardships, treasures-trouve, felons goods, fines, amercements, and other issues of courts, wrecks, escheats, and many more too long to be enumerated; which, for the most part, are now, by charters and grants of several princes, dispersed into the hands of several private persons; and that besides the antient demesnes of the crown of England, Wm. the Conqueror did annex, for the better maintenance of his estate, great proportions of those lands, which were confiscate from those English which persisted to withstand him; but of these, very few remain at this day in the king's possession; yet, since that time, the revenue of the crown hath been supplied and augmented by attainders and other casualties; and, in the age of our fathers, by the dissolution of monasteries and chantries, near a third part of the whole land came into the king's possession. He remembered further, that constant and profitable grant of the subjects in the act of Tonnage and Poundage. Notwithstanding all these, he said, they were so alienated, anticipated, or overcharged with annuities and assignments; that no means were left, for the pressing and important occasions of this time, but the voluntary and free gift of the subjects in parliament. The hearts of the people, and their bounty in parliament, is the only constant treasure and revenue of the crown; which cannot be exhausted, alienated, anticipated, or otherwise charged and incumbered.—In his entrance into the 2nd part, he propounded these steps, by which he meant to proceed. 1. To shew the state of the case, as it stood both in the charge and in the proof, that so they might the better compare them both together. 2. To take away the pretensions of mitigations and limitations of his opinions, which the doctor had provided for his own defence. 3. To observe those circumstances of aggravation, which might properly be annexed to his charge. 4. To propound some precedents of former times, wherein, though he could not match the offence now in question; (for he thought the like before had never been committed) yet he should produce such as should sufficiently declare, how forward our ancestors would have been in the prosecution and condemning of such offences, if they had been then committed.—The offence was described in a double manner; first, by the general scope and intention, and by the matter and particulars of the fact, whereby that intention was expressed.—In the description of the intention he observed 6 points; every one of which was a character of extreme malice and wickedness. 1. His attempt to misguide and seduce the conscience of the king. 2. To in-

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cense his royal displeasure against his subjects. 3. To scandalize, impeach, and subvert the good laws and government of the kingdom, and authority of parliaments. 4. To avert his majesty's mind from calling of parliaments. 5. To alienate his royal heart from his people. 6. To cause jealousies, sedition, and division in the kingdom.—Of these particulars, he said, he would forbear to speak further, till he should come to those parts of the fact, to which they were most properly to be applied.—The materials of the Charge were contrived into three distinct Articles; the first of these comprehended two clauses. 1. 'That his maj. is not bound to keep and observe the good laws and customs of the realm, concerning the right and liberty of the subject to be exempted from all loans, taxes, and other aids laid upon them, without common consent in parliament.' 2. 'That his majesty's will and command, in imposing any charges upon his subjects without such consent, doth so far bind them in their consciences, that they cannot refuse the same without peril of eternal damnation!'—Two kinds of proof were produced upon this Article. The first was from some assertions of the doctor's, concerning the power of kings in general; but, by necessary consequence, to be applied to the kings of England. The next kind of proof was from his censures and determinations upon the particular case of the late Loan; which, by necessity and parity of reason, were likewise applicable to all cases of the like nature. And lest, by frailty of nature, he might mistake the words, or invert the sense, he desired leave to resort to his paper, wherein the places were carefully extracted out of the book itself. And then he read each particular clause by itself, pointing to the page for proof.—Then he proceeded and said, 'That from this evidence of the fact doth issue a clear evidence of his wicked intention to misguide and seduce the king's conscience, touching the observation of the laws and liberties of the kingdom; to scandalize and impeach the good laws and government of the realm, and the authority of parliaments; which are two of those characters of malice which he formerly noted, and now enforced thus:—If to give the king ill counsel, in one particular action, hath heretofore been heavily punished in this high court; how much more heinous must it needs be thought, to pervert and seduce, by ill counsel, his majesty's conscience; which is the sovereign principle of all moral actions, from which they are to receive warrant for their direction before they be acted, and judgment for their reformation afterwards? If scandalum magnatum, slander and infamy, cast upon great lords and officers of the kingdom, have been always most severely censured, how much more tender ought we to be of that slander and infamy, which is here cast upon the laws and government, from whence is derived all the honour and reverence due to those great lords and magistrates?—All men, and so the greatest and highest magistrates, are subject to passions and partialities, whereby they may be transported into overhard injurious crosses: which considerations may sometimes excuse, though never justify, the railing and evil speeches of men, who have been so provoked; it being a true rule, that whatsoever gives strength and inforcement to the temptation in any sin, doth necessarily imply an abatement and diminution of guilt in that sin. But to slander and disgrace the laws and government, is without possibility of any such excuse; it being a simple act of a malignant will, not induced nor excited by any outward provocation; for the laws carrying an equal and constant respect to all, ought to be reverenced equally by all.' And thus he derived the proofs and inforcements, upon the first Article of the charge.—The second Article he said contained 3 clauses. 1. That these refusers had offended against the law of God. 2. Against the supreme authority. 3. By so doing, were become guilty of impiety, disloyalty, rebellion, disobedience, and liable to many other censures.—For proof of all these, he needed no other evidence, than what might be easily drawn from those places which he had read already: for what impiety can be greater, than to contemn the law of God, and to prefer human laws before it? What greater disloyalty, rebellion, and disobedience, than to depress supreme authority, to tie the hands and clip the wings of sovereign princes? Yet he desired their lordships patience in hearing some few other places wherein the stains and taint, which the doctor endeavoured to lay upon the refusers, might appear by the odiousness of those comparisons, in which he doth labour to rank them.—The first comparison is with Popish Recusants; yet he makes them the worst of the two, and for the better resemblance, gives them a new name of 'Temporal Recusants.'—For this Mr. Pym alledged the first sermon, (p. 31, 32.) and part of the doctor's fifth consideration, by which he would persuade them to yield to this Loan, thus; '5thly, If they would consider what advantage this their recusancy, in temporals, gives to the common adversary, who, for disobedience in spirituals, have hitherto alone inherited that name; for that which we ourselves condemn in them for so doing; and profess to hate that religion which teacheth them so to do; that is, to refuse subjection unto princes in spirituals; yet the same, if not worse, some of our side now, if ours they be, dare to practise. It must needs argue less conscience and more ingratitude, both to God and the king, if in temporal things we obey not: they in spirituals deny subjection, wherein they may perhaps frame unto themselves some reasons of probability, that the offence is not so heinous; but if we in temporals shall be so refractory, what colour of reason can we possibly find to make our defence withal; without the utter shaming of ourselves, and laying a stain, which cannot easily be washed out, upon that religion which his maj. doth so graciously maintain, and ourselves profess?'—The second comparison is

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with Turks and Jews, in the second sermon, (p. 47.) 'What a paradox is this? What a Turk will do for a Christian, and a Christian for a Turk, and a Jew for both, &c. much less should Christian men deny the same to a Christian king.'—The third comparison is with Corah, Dathan, and Abiram, Theudas, and Judas, which is taken out of the second sermon, (p. 49.) where he labours to deprive of all merit in Christ's sufferings those who refused this loan. 'Corah, Dathan, and Abiram, whom, for their murmurings, God suddenly sunk into hell fire, might as well alledge their sufferings had some resemblance with that of the three children in the Babylonian furnace; and Theudas and Judas, the two incendiaries of the people in the days of Cæsar's tribute, might as well pretend their cause to be like the Maccabees.'—Thus Mr. Pym ended the 2nd Article of the Charge, upon which he said, 'were imprinted other two of these six characters of malice formerly vented; i. e. A wicked intention to increase his majesty's displeasure against his good subjects so refusing, and to alienate his heart from the rest of his people: both which were points so odious, that he needed not to add any further inforcement or illustration.—The third Article contained three Clauses. 1. That the authority of parliament is not necessary for the raising of Aids and Subsidies. 2. That the slow proceedings of such assemblies are not fit to supply the urgent necessity of the state. 3. That parliaments are apt to produce sundry impediments to the just designs of princes, and give them occasion of displeasure and discontent.—For proof of all these positions, Mr. Pym alledged two places, containing the two first of those six considerations, which are propounded by the doctor to induce the refusers to yield to the loan, in his first sermon, (p. 26, 27.) '1st. If they would please to consider, that though such assemblies, as are the highest and greatest representations of a kingdom, be most sacred and honourable, and necessary also to those ends to which they were at first instituted; yet know we must, that they were not ordained to this end, to contribute any right to kings, whereby to challenge tributary aids and subsidiary helps; but for the more equal imposing, and more easy exacting, of that which unto kings doth appertain by natural and original law and justice, as their proper inheritance annexed to their imperial crowns from their birth. And therefore, if, by a magistrate that is supreme, upon necessity extreme and urgent, such subsidiary helps be required, a proportion being held respectively to the ability of the persons charged; and the sum and quantity so required surmount not, too remarkably, the use and charge for which it was levied; very hard would it be for any man in the world, that should not accordingly satisfy such demands, to defend his conscience from that heavy prejudice of resisting the ordinance of God, and receiving to himself damnation; though every of those circumstances be not observed, which, by the municipal law, is required.' 2nd, 'If they would consider the importunities that often may be urgent and pressing necessities of state that cannot stay without certain and apparent danger, for the motion and revolution of so great and vast a body as such assemblies are; nor yet abide their long and pausing deliberation when they are assembled, nor stand upon the answering of those jealous and over-wary cautions and objections made by some; who, wedded over-much to the love of epidemical and popular errors, and bent to cross the most just and lawful designs of their wise and gracious sovereign, (and that under the plausible shews of singular liberty and freedom) would, if their conscience might speak, appear nothing more than the satisfying either of private humours, passions, or purposes.'—Here Mr. Pym observed, he needed not draw any argument or conclusions from these places; the substance of the Charge appearing sufficiently in the words themselves: and to this third Article he fixed two other of these six characters of malice, viz. That it is his wicked intention to avert his majesty's mind from calling of parliaments, and to cause jealousies, seditions and divisions in the kingdom; which he enforced thus: if parliaments, saith he, be taken away, mischiefs and disorders must needs abound, without any possibility of good laws to reform them; grievances will daily increase, without opportunities or means to redress them: and what readier way can there be to raise distractions betwixt the king and people, and to create tumults and distempers in the state, than this?'—And so he concluded this third Article of the Charge.—Next, the limitations, the doctor had provided to justify, or at least to excuse, himself, were propounded to be three. 1. That he did not attribute to the king any such absolute power, as might be exercised at all times, or upon all occasions, according to his own pleasure; but only upon necessity extreme and urgent. 2. That the sum required must be proportionable to the ability of the party, and to the use and occasion. 3. That he did not say, that the substance of the municipal or national laws might be omitted or neglected, but the circumstances only.—To these were offered 3 Answers, the first general, the other two particular. The general Answer was this, 'That it is all one to leave the power absolute, and to leave the judgment arbitrary when to execute that power; for although these limitations should be admitted, yet it is left to the king alone to determine what is an urgent and pressing necessity; and what is a just proportion, both in respect of the ability, and of the use and occasion; and what shall be said to be a circumstance, and what the substance, of the law. Thus the subject is left without remedy; and the legal bounds being taken away, no private person shall be allowed to oppose his own particular opinion, in any of these points, to the king's resolution; so that all these limitations, though specious in shew,

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are in effect fruitless and vain.'—The first particular Answer applied to that limitation of urgent necessity, was taken from the case of Normandy; as it appears in the commentaries of Guiliam Jeremie, upon the customary laws of that duchy: they having been oppressed with some grievances, contrary to their franchise, made their complaint to Lewis X. who by his charter, in 1314, acknowledging the right and custom of the country, and that they had been unjustly grieved, did grant and provide, 'That, from thence-forward, they should be free from all subsidies and exactions, to be imposed by him and his successors; yet with this clause, 'Si necessitie grande ne le requiret'; which small exception hath devoured all these immunities: for though these states meet every year, yet they have little or no power left, but to agree to such levies as the king will please to make upon them.'—The second particular Answer applied to the limitation and diminution of this power, which may be pretended to be made by this word,' 'circumstance', (as if he did acknowledge the king to be bound to the substance of the law, and free only in regard of the manner) was this, That, if the places be observed, it will appear, that he intends, by that word, 'The assembly of parliaments, and assent of the people for such contribution, which is the very substance of the right and liberty now in question. The circumstances of aggravation, observed to be annexed to this cause, were these: the first, from the place where these sermons were preached; the court, the king's own family, where such doctrine was before so well believed that no man needed to be converted. Of this there could be no end, but either simoniacal, by flattery and soothing to make way for his own preferment; or else extremely malicious, to add new afflictions to those who lay under his majesty's wrath, disgraced and imprisoned; and to enlarge the wound, which had been given to the laws and liberties of the kingdom. The second was from the consideration of his holy function: he is a preacher of God's Word; and yet he had endeavoured to make that, which was the only rule of justice and goodness, to be the warrant for violence and oppression. He is a messenger of peace, but he had endeavoured to sow strife and dissension, not only amongst private persons, but even betwixt the king and his people, to the disturbance and danger of the whole state: he is a spiritual father, but like that evil father in the gospel, he hath given his children stones instead of bread; instead of flesh he hath given them scorpions. Lastly, he is a minister of the church of England, but he hath acted the part of a Romish Jesuit; they labour our destruction, by dissolving the oath of allegiance taken by the people; he doth the same work, by dissolving the oath of protection and justice taken by the king. A third point of aggravation was drawn from the quality of those authors, upon whose authority he doth principally rely, being for the most part friars and Jesuits; and from his fraud and shifting, in citing even those authors to purposes quite different from their own meanings. Touching which it was presumed, that most of his places are such as were intended, by the authors, concerning absolute monarchies, not regulated by laws or contracts betwixt the king and his people: and, in answer to all authorities of this kind, were alledged certain passages of a speech from our late sovereign king James, to the lords and commons at Whitehall, 1609, viz. 'In these our times, we are to distinguish betwixt the state of kings in their first original; and between the state of settled kings and monarchs, that do at this time govern in civil kingdoms, &c. Every just king, in a settled kingdom, is bound to observe the paction made to his people by his laws, in framing his government agreeable thereunto, &c. All kings that are not tyrants or perjured will be glad to bound themselves within the limits of their laws; and they that persuade them to the contrary are vipers and pests, both against them and the common-wealth.' It was secondly observed, that (in the p. 27 of his first sermon) he cites these words, 'Suarez de Legibus, lib. v. c. 17. Acceptationem populi non esse conditionem necessariam, ex vi juris naturalis aut gentium, neque ex jure communi.' The Jesuit adds, 'neque ex antiquo jure Hispaniæ;' which words are left out by the doctor, lest the reader might be invited to enquire what was 'antiquum jus Hispaniæ;' though it might have been learned, from the same author, in another place of that work, that about 200 years since, this liberty was granted to the people by one of the kings, that no tribute should be imposed without their consent. And this author adds further, 'that, after the law introduced and confirmed by custom, the king is bound to observe it.' From this place Mr. Pym took occasion to make this short digression, 'That the kings of Spain being powerful and wise princes, would never have parted with such a mark of absolute royalty, if they had not found in this course more advantage than in the other: and the success and prosperity of that kingdom, through the valour and industry of the Spanish nation, so much advanced since that time, do manifest the wisdom of that change.—The third observation of fraud, in perverting his authors, was this, 'The doctor cites (p. 20 of his first sermon) these words out of the same Suarez, de Legibus, Lib. v. cap. 15. fol. 300. 'Tributa esse maxime naturalia, & præ se ferre justitiam, quia exiguntur de rebus propriis;' this he produceth in proof of the just right of kings to lay tributes. And no man, that reads it, doubts, but that, in the opinion of Suarez, the king's interest and property in the goods of his subjects is the ground of that justice; but the truth is, that Suarez, in that chapter, had distributed tributes into divers kinds, of which he calls one sort, Tributum reale, and describes it thus, 'Solent ea vocari pensiones quædam, quæ penduntur regibus & principibus ex terris & agris, quæ à

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principio, ad sustentationem illorum applicata fuerunt; ipsi vero in feodum in alios ea donarunt sub certa pensione annua, quæ, jure civili, canon appellari solet, quia certa regula & lege præscripta erat: so that the issue is, That this, which Suarez affirms for justification of one kind of tribute, which is no more than a fee-farm, or rent, due by reservation in the grant of the king's own lands, the doctor herein, worse than a Jesuit, doth wrest to the justification of all kinds of tribute exacted by imposition upon the goods of the subjects, wherein the king had no interest or property at all.—The last aggravation was drawn from his behaviour since these sermons preached, whereby he did continue still to multiply and increase his offence; yea, even since the sitting of and his being questioned in parliament upon the 4th of May last, he was so bold, as to publish the same doctrine in his own parish church of St. Giles; the points of which sermons are these: 'That the king had right to order all, as to him should seem good, without any man's consent. That the king might require, in time of necessity, aid; and if the subjects did not supply, the king might justly avenge it. That the property of estates and goods was ordinarily in the subject; but extraordinarily, that is, in case of the king's need, the king hath right to dispose them.'—These assertions in that sermon, he said, would be proved by very good testimony; and therefore he desired the lords, that it might be carefully examined; because the commons held it to be a great contempt offered to the parliament, for him to maintain that so publickly, which was here questioned. They held it a great presumption for a private divine to debate the right and power of the king; which is a matter of such a nature as to be handled only in this high court, and that with moderation and tenderness. And so he concluded that point of aggravation.—Lastly, He produced some such precedents as might testify what the opinion of our ancestors would have been, if this case had fallen out in their time: and herein, he said, he would confine himself to the reigns of the first three Edwards, two of them princes of great glory: He began with the eldest, West. I. c. 34. By this statute, 3 Edw. I. provision was made against those who should tell any false news or device, by which any discord or scandal may arise betwixt the king, his people, and great men of the kingdom. By 27 Edw. I. it was declared by the king's proclamation, sent into all the counties of England, that they that reported that he would not observe the Great Charter, were malicious people who desired to put trouble and debate betwixt the king and his subjects, and to disturb the peace and good estate of the king, the people, and the realm. In 5 Edw. II. H. de Beamond, for giving the king ill counsel against his oath, was put from the council, and restrained from coming into the presence of the king under pain of confiscation and banishment. By 19 Edw. II. commissions were granted to inquire upon the statute of West. I. touching the spreading of news, whereby discord and scandal might grow betwixt the king and his people. In 10 Edw. III. proclamation went out to arrest all them who had presumed to report, that the king would lay upon the wools certain sums besides the antient and due customs; where the king calls these reports, 'Exquisita mendacia, &c. quæ non tantum in publicam læsionem, sed in nostrum cedunt damnum, & dedecus manifestum.'—In 12 Edw. III. the king writes to the abp. of Canterbury, excusing himself for some impositions which he had laid, professing his great sorrow for it; desires the abp. by indulgences and other ways, to stir up the people to pray for him, hoping that God would enable him, by some satisfactory benefit, to make amends, and comfort his subjects for those pressures. To these temporal precedents he added an ecclesiastical precedent out of a book called 'Pupilla Oculi,' being published for the instruction of confessors, in which all the articles of Magna Charta are inserted with this direction, 'hos articulos ignorare non debent, quibus incumbit confessiones audire, infra provinciam Cantuariensem'. He likewise remembered the proclamation, 8 Jacobi, for the calling in and burning of Doctor Cowel's Book, for which these reasons are given, 'For mistaking the true state of the parliament of the kingdom, and fundamental constitution and privileges thereof: for speaking irreverently of the common law, it being a thing utterly unlawful for any subject to speak or write against that law under which he liveth, and to which we are sworn, and resolve to maintain*. From these precedents he collected, that if former parliaments were so careful of false rumours and news, they would have been much more tender of such doctrines as these, which might produce great occasions of discord betwixt the king and his people.—If those, who reported the king would lay impositions, and break his laws, were thought such heinous offenders, how much more should the man be condemned, who persuaded the king he is not bound to keep those laws? If that great king was so far from challenging any right in this kind, that he professed his own sorrow and repentance for grieving his subjects, with unlawful charges; if confessors were enjoined to frame the consciences of the people to the observances of these laws, certainly such doctrine, and such a preacher as this, would have been held most strange and abominable in all those times?'—The third general part was the conclusion or prayer of the commons, which consisted of 3 clauses. 1. They reserved to themselves liberty of any other accusation; and for this, he said, there was great reason, that as the doctor multiplied his offences, so they may renew their accusations. 2. They save to themselves liberty of replying to his Answer, for they had great cause to think that he, who would shift so much in offending, would shift

* See vol. 1. p. 1124.

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much more in answering. 3. They desire he might be brought to examination and judgment; this they thought would be very important for the comfort of the present age, and for the security of the future against such wicked and malicious practices.' And so Mr. Pym concluded, 'That seeing the cause had strength enough to maintain itself, his humble suit to their lordships was, that they would not observe his infirmities and defects, to the diminution or prejudice of that strength.'—The conclusion of this affair will fall in the sequel.

The King's Message requiring the Lords to adjourn.] June 5. When the lords were met, the king sent to require the lord-keeper to come to him immediately. Who, after some time, being returned, his lordship signified, "That it was the king's pleasure that the house and all committees should be adjourned to the next day." After the delivery of this message, the lords, doubting that there would be a sudden dissolution of the parliament, fell into consideration of the weak estate of the kingdom, and of the friends and allies abroad, and the great strength of the house of Austria, the king of Spain's ambitious aspiring to a monarchy, and his great preparations for war. This being freely debated, the house was moved to name a select committee to present the same to his maj. and the danger likely to ensue to this kingdom, if the parliament should be now dissolved, without any happy conclusion towards resisting the impending evil. But the house being informed, by several lords of the privy-council then present, that there was no cause to apprehend or fear any sudden dissolution of the parliament, the naming of the committee was deferred for that time.

The King's Message to the Commons forbidding them to meddle with Affairs of State.] The same day the commons received a Message from the king, which the Speaker delivered in these words.—"His majesty wished them to remember the Message he last sent them, by which he set a day for the end of this session; and he commanded the Speaker to let them know, that he will certainly hold that day prefixed without alteration; and because that cannot be, if the house entertain more business of length, he requires them, that they enter not into, or proceed with any new business, which may spend greater time, or which may lay any scandal or aspersion upon the state, government, or ministers thereof."

Debate on the King's Message.] On the above Message ensued the following debate*.

Sir *Rob. Philips.* 'I perceive, that towards God, and towards man, there is little hope, after our humble and careful endeavours, seeing our sins are many and so great: I consider my own infirmities, and if ever my passions were wrought upon, it is now. This message stirs me up; especially when I remember with what moderation we have proceeded. I cannot but wonder to see the miserable strait we are now in: what have we not done to have merited? Former times have given wounds enough to the peoples liberty: we came hither full of wounds, and we have cured what we could: yet what is the return of all, but misery and desolation? What did we aim at, but to have served his maj. and to have done that which would have made him great and glorious? If this be a fault, then we are all criminous: what shall we do, since our humble purposes are thus prevented, which were not to have laid any aspersion on the government, for they tended to no other end, but to give his maj. true information of his and our danger? And to this we are enforced out of a necessary duty to the king, our country, and to posterity; but we being stopped, and stopped in such manner as we are now enjoined, must leave to be a council. I hear this with that grief as the saddest message of the greatest loss in the world. But let us still be wise, be humble, let us make a fair declaration to the king.—Let us presently inform his maj. that our firm intents were to shew him in what danger the common-wealth and state of Christendom stands; and therefore since our counsels are no better acceptable, let us beg his maj.'s leave, every man to depart home; and pray to God to divert those judgments and dangers which too fearfully and imminently hang over our heads.'

Sir *John Elliot.* 'Our sins are so exceeding great, that unless we speedily turn to God, God will remove himself further from us; ye know with what affection and integrity we have proceeded hitherto to have gained his majesty's heart; and, out of the necessity of our duty, were brought to that course we were in: I doubt, a misrepresentation to his majesty hath drawn this mark of his displeasure upon us: I observe in the message, amongst other sad particulars, it is conceived, that we were about to lay some aspersions on the government. Give me leave to protest, that so clear were our intentions, that we desire only to vindicate those dishonours to our king and country. It is said also, as if we cast some aspersions on his majesty's ministers: I am confident no minister, how dear soever, can'—

Here the *Speaker* started up from the chair, and apprehending sir John intended to fall upon the duke, &c. said, with tears in his eyes, 'There is a command laid upon me to interrupt any that should go about to lay an aspersion on the ministers of state.' Upon this sir John sat down, and

Sir *Dudley Diggs* said, 'That unless we may speak of these things in parliament, let us arise and be gone, or sit still and do nothing.' Hereupon there was a deep silence in the house for a while, which was broken by

Sir *N. Rich,* in these words: 'We must now speak, or for ever hold our peace; for us to be silent, when king and kingdom are in this cala-

* From Rushworth, except the several Speeches, and parts of Speeches, distinguished by an Asterism, (*) which are supplied from a MS. out of the Harleian Library.

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mity, is not fit. The question is, whether we shall secure ourselves by silence, yea or no? I know it is more for our own security, but it is not for the security of those for whom we serve; let us think on them: some instruments desire a change, we fear his majesty's safety, and the safety of the kingdom; I do not say we now see it; and shall we now sit still and do nothing, and so be scattered? Let us go to the lords, and shew our dangers, that we may then go to the king together, with our representation thereof.'

Others said, 'That the speech, lately spoken by sir John Elliot, had given offence, as they feared, to his majesty.' Hereupon the house declared, "That every member of the house is free from any undutiful speech, from the beginning of the parliament to that day; and ordered, That the house be turned into a committee, to consider what is fit to be done for the safety of the kingdom; and that no man go out upon pain of being sent to the Tower." But before the Speaker left the chair, he desired leave to go forth for half an hour; and the house ordered that he might go forth, if he pleased. Then the house was turned into a grand committee, Mr. Whitby in the chair. Immediately after the Speaker was withdrawn,

Mr. *Kirton* said*, 'The king is as good a prince as ever reigned: it is the enemies to the commonwealth that have so prevailed with him, therefore let us aim now to discover them; and I doubt not, but God will send us hearts, hands, and swords to cut all his and our enemies throats.' And added, 'That for the Speaker to desire to leave the house in such a manner was never heard of before; and he feared would be ominous.'

Mr. *Wandesford*. 'I am as full of grief as others: let us recollect our English hearts, and not sit still, but do our duties: two ways are propounded, to go to the lords, or to the king. I think it is fit we go to the king, for this doth concern our liberties, and let us not fear to make a remonstrance of our rights: we are his counsellors. There are some men which call evil good, and good evil, and bitter sweet. Justice is now called popularity and faction.'

Sir *Edw. Coke*. 'We have dealt with that duty and moderation that never was the like, 'rebus sic stantibus,' after such a violation of the liberties of the subject; let us take this to heart. In the 30th Edw. 3. were they then in doubt in parliament to name men that misled the king? they accused John de Gaunt, the king's son, the lord Latimer, and lord Nevil, for misadvising the king, and they went to the Tower for it. Now, when there is such a downfall of the state, shall we hold our tongues? How shall we answer our duties to God and men? In the 7th and 11th of Hen. 4. there the council are complained of, and removed from the king, because they mewed him up, and dissuaded him from the common good: and why are we now to be tied from that way we were in? And why may we not name those that are the cause of all our evils? In the 4th Hen. 3. and the 27th Edw. 3. and in the 13th Rd. 2. the parliament moderated the king's prerogative; and nothing grows to abuse, but this house hath power to treat of it. What shall we do? Let us palliate no longer; if we do, God will not prosper us. I think the duke of Bucks is the cause of all our miseries, and till the king be informed thereof, we shall never go out with honour, or sit with honour here: that man is the grievance of grievances: let us set down the causes of all our disasters, and they will all reflect upon him. As for going to the lords, that is not via regia; our liberties are now impeached; we are deeply concerned: it is not via regia, for the lords are not participant with our liberties. It is not the king but the duke' [A great cry of 'Tis he, 'tis he] that saith, 'We require you not to meddle with state government, or the ministers thereof.' Did not his maj. when prince, attend the upper house, in our prosecution of lord chancellor Bacon and the lord treasurer Middlesex?'

* Mr. *Kirton*. 'The duke is not only admiral by sea, and hath undone all the shipping; but is also admiral by land, and hath ruined, by oppression and violence at home, and connivance abroad, the whole state of this kingdom; and his treachery, it is like, will overthrow his maj. being that he will not suffer the king to hear truth; for he that speaks truth to his maj. is ruined by the duke.'

* Mr. *Sherland*. 'Are there not persons in the court of the greatest quality that are Popish, and are favoured there? Are there not in our late armies and shipping Popish commanders, that have had the greatest and chiefest trust? Is it probable there can be any good intended, when those that use the king's power seek an utter subversion of our religion; and therefore let such be voted, at this committee, the common enemies of the kingdom.'

* Mr. *Knightly*. 'The duke of Bucks is not only an enemy to this state, but to all Christendom; and, I pray, let that be put to question.'

* Mr. *Ashburnham*. 'I cannot be silent and hear that man spoken of; and I pray God that, whilst you are speaking of him, we do not overthrow ourselves, 'Commune periculum petit commune auxilium.'

* Mr. *Prynne*. 'It is not the duke of Bucks alone that is the cause of these evils, but there are some other great persons worthy of blame:' but he could not be drawn to name them.

* Sir *Archer Croft*. 'Take away the great one and the rest will vanish.'

* Sir *Rob. Philips*. 'His maj. to our great misfortunes, is still drawn to give an answer to our requests, contrary to his good intentions; and to answer us by dark oracles; and it is not king Charles counselling himself, but ill counsel followed that is given him by ill counsellors. If we have named my lord of Buckingham to be the only man of guilt, he must thank himself, and his ill advices to the king, that force men to lay him open.'

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*Mr. *Whitaker*. 'There is a commonwealth of papists, nobility, gentry, clergy and commonalty that serve the duke constantly: in Drury-Lane there are 3 families of papists there residing, for one of protestants; insomuch as it may well be called Little Rome. He added, 'That one Morley, a divine, informed him, that sir Allen Apsley (a retainer of the duke's) had poisoned 4000 men at the Isle of Rhee, by furnishing ill victuals.'

Mr. *Selden*. 'Let a Declaration be drawn under 4 heads. 1. To express the house's dutiful carriage towards his majesty. 2. To tender our liberties that are violated. 3. To present what the purpose of the house was to have dealt in. 4. That that great person, (the duke,) fearing himself to be questioned, doth interpose and cause this distraction. All this time we have cast a mantle on what was done last parliament; but now, being driven again to look on that man, let us proceed with that which was then well begun; and let the Charge be renewed that was made last parliament against him, to which he made an Answer; but the particulars thereof were so insufficient, that we might demand judgment on that very answer only.'

In conclusion, the house agreed upon several heads concerning innovation in religion, the safety of the king and kingdom, misgovernment, misfortune of our late designs, with the causes of them: and whilst it was moving to be put to the question, That the duke of Buckingham shall be instanced to be the chief and principal cause of all those evils, the Speaker, who, when he had leave to go out, went privately to the king, brought this message, "That his majesty commands, for the present, they adjourn the house till to-morrow morning, and that all committees cease in the mean time." And the house was accordingly adjourned.

The King's Message to the Lords.] June 6. The lord keeper delivered a Message from the king to the lords, in these words, viz. "His maj. takes notice, to your great advantage, of the proceedings of this house, upon hearing of his Message yesterday; and he accounts it as a fair respect, that you would neither agree of any committee, nor send any Message to him, though it was in your hearts; but yielded yourselves to his majesty's message and deferred your own Resolutions, until you should meet again, at the time by him appointed. Yet his maj. takes it in extream good part to hear what you intended; especially that you were so sensible of the inconveniences that might ensue on the breach of this parliament; which, if it had happened, or should hereafter happen, his maj. assures himself that he shall stand clear, before God and man, of the occasion. But his maj. saith, you had just reason to be sensible of the danger, considering how the state of Christendom standeth, in respect of the multitude and strength of our enemies, and weakness of our party; all which his maj. knows very exactly, and, in respect thereof, called this parliament. The particulars his maj. holds it needless to recite, especially to your lordships, since they are apparent to all men; neither will it be needful to iterate them to his maj. whose cares are most intentive upon them and the best remedies that can be thought of for them, if his subjects will do their parts. Therefore his maj gives your lordships hearty thanks, and bids me tell you, That nothing hath been more acceptable to him, all the time of this parliament, than the dutiful and direct proceedings of this house; which he professeth hath been the chief motive to his maj. to suspend those intentions which were in him, not far from a resolution."

Another Message to the Commons by their Speaker.] The same day, the Speaker of the house of commons brought a Message from the king, which he delivered to that house, as follows; 'In my service to this house I have had many undeserved favours from you, which I shall ever with all humbleness acknowledge; but none can be greater than that testimony of your confidence yesterday shewed unto me, whereby I hope I have done nothing, or made any representation to his maj. but what is for the honour and service of this house; and may my tongue cleave to the roof of my mouth, before I will speak to the disadvantage of any member thereof: I have now a Message to deliver unto you: viz.'

"Whereas his maj. doth understand, that ye did conceive his last Message to restrain you in your just privileges; these are to declare his intentions, that he had no meaning of barring you from what hath been your right, but only to avoid all scandals on his counsel and actions past; and that his ministers might not be, nor himself under their names, taxed for their counsel unto his maj. and that no such particulars should be taken in hand, as would ask a longer time of consideration than what he hath prefixed, and still resolves to hold; that so, for this time, all Christendom might take notice of a sweet parting between him and his people: which if it fall out, his maj. will not be long from another meeting, when such grievances, if there be any, at their leisure and convenience may be considered."

Mr. *Speaker* proceeded. 'I will observe somewhat out of this message; ye may observe a very good inclination in his maj. towards this house. I was bold to take notice of that liberty ye gave me, yesterday, to go to his maj.; I know there are none here but did imagine whither I went; and but that I knew ye were desirous and content that I should leave you, I would not have desired it. Give me leave to say, this message bars you not of your right in matter, nay not in manner; but it reacheth to his counsels past, and for giving him counsel in those things which he commanded. It is not his majesty's intentions to protect any abettor of Spain. The end of this was, that we might meet again sweetly and happily.'

Sir *Robert Philips*, upon this message being delivered by the Speaker, said: 'I rise up with

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a disposition, somewhat in more hope of comfort than yesterday; yet, in regard of the uncertainty of councils, I shall not change much: in the first place I must be bold, without flattering, a thing not incident to me, to tell you, Mr. Speaker, you have not only, at all times, discharged the duty of a good Speaker, but of a good man; for which I render you many thanks. Another respect touching his majesty's Answer to our Petition; 1st, If that answer fall out to be short, I free his majesty; and I believe his resolution was to give that which we all expected: but in that, as in others, we have suffered, by reason of interposed persons between his maj. and us; but this day is, by intervenient accidents, diverted from that, but so as in time we go to his maj.: therefore let us remove those jealousies in his maj. of our proceedings, that by some men, overgrown, have been mispresented: we have proceeded with temper, in confidence of his majesty's goodness to us and our fidelity to him: and if any have construed that what we have done hath been done out of fear, let him know, we came hither freemen, and will ever resolve to endure the worst; and they are poor men that make such interpretations of parliaments; in this way and method we proceeded; and if any thing fall out unhappily, it is not king Charles that advised himself, but king Charles misadvised by others and misled by misordered counsel; it becomes us to consider what we were doing, and now to advise what is fit to be done. We were taking consideration of the state of the kingdom, and to present to his maj. the danger he and we are in. If since, any man hath been named in particular (though I love to speak of my betters with humility) let him thank himself and his councils, but those necessary jealousies give us occasion to name him; I assure myself we shall proceed with temper, and give his maj. satisfaction, if we proceed in that way. His majesty's message is now explanatory in point of our liberties, that he intends not to bar us of our rights, and that he would not have any aspersion cast on the counsels past; let us present to his maj. shortly and faithfully, and declare our intentions that we intend not to lay any aspersions upon him; but out of necessity to prevent the imminent dangers we are surrounded with, only to present to him the affairs at home and abroad; and to desire his maj. that no interposition or misinformation of men in fault may prevail, but to expect the issue that shall be full of duty and loyalty.'

Further Debate on Grievances.] The commons Journals inform us, That notice being taken of Mr. Kirton's speeech, 'That he hoped, they had all hearts, hands, and swords to cut the throats of the enemies to the king and state,' (p. 403); that expression, being this day called in question, it was resolved, 'That therein he had said nothing beyond the bounds of duty and allegiance;' and that they all concurred with him therein.

June 7. Information was given to the commons by Mr. Kirton * 'That at this present there are 32 pieces of ordnance ready shipped for to be sent to Rotterdam; and yet the town of Weymouth, having ordnance assigned, cannot be suffered to be possessed of them though it be for the defence of this kingdom.' He also certified, 'That there were commissions now granted to 4 Londoners to go and trade with the Dunkirkers; whose information to our enemies of our designs, and which way our shipping are bent, may be of dangerous consequence to our state.' He added, 'That there was a commission in the crown-office for enjoining of excises upon this kingdom: that Burlemachi had a warrant of privy-seal in form, and, as he confessed before the committee, to disburse 30,000*l.* for buying of German horse, in which Dalbier was employed; that 1000 of them are already levied, and arms provided for them in Holland; but that he had heard they were lately countermanded. That my lord duke wrote into Germany the last day of May, in which he said, that the 1000 horse and arms, which were to come for England, should be stayed, but they were all then ready to come for Embden.'

* Mr. *Parker* said, 'That the intent of bringing over those German horse were to cut our throats, or else to keep us at their obedience.'

* Mr. *Windham* said, 'That there were yesterday, 12 German commanders of those horse come to town, and some of them in Paul's church, and those that procured them were sir W. Balfour and Mr. Dalbier; and that two ships of England were enforced to bring over those horse, to the loss of their own voyage elsewhere; and there be books of precedents come over, where the manner of the Holland excise is repeated and recited.'

* Sir *John Maynard.* 'Dalbier was the only cause of the overthrow of our army at the isle of Rhée, he being an engineer; and boasted that it was his doing that got the French so cheap a victory over the English, and that they might thank him for it; therefore this fellow, being a stranger and a juggler, is deemed an unfit man to be a commander in our kingdom. And that it was confessed by Williamson, clerk of the crown, that the business of the excise is at this present in my lord-keeper's hand, and under the broad seal.' The question was then put and agreed to, 'That if any member of the house knew any thing touching the Excise, that should be set upon native commodities in this realm, and did hold his peace, he should be voted an enemy to the state, and no true Englishman.'

The King gives a more explicit Answer to the Petition of Right.] The same day a motion was made in the lords, to have a conference with the commons about the king's Answer to their Petition of Right; which being held this day, both houses agreed to address the king, "That he would please to give a clear and satisfactory An-

* From the last mentioned MS.

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swer, in full parl. to the said Petition." The lords sent a committee of their house, to attend the king with this message; who, after some time, being returned, they said, 'That his maj. would come to the house, that day, at 4 in the afternoon, and there receive the said request, and give an answer.'—In the mean time, another committee was appointed to put down in writing what the lord-keeper should say to the king; it was, likewise, agreed that he should stand in his place, as a peer, and there deliver this request of both houses to his maj. and afterwards go to his place of state. At the time appointed, the king came to the house of lords; and being in his robes, placed on the throne, the commons with their Speaker attending, the king commanded the clerk of parliament to cut out his former Answer which was entered in the Journal, under the Petition of Right; and, at the same time, gave unto the said clerk his present Answer. This being done, the lord-keeper stood up in his place, as a peer, and spoke as follows.—

"May it please your most excellent majesty, The lords spiritual and temporal, and commons, in parliament assembled, taking into consideration that the good intelligence, between your maj. and your people, doth much depend upon your majesty's Answer unto their Petition of Right formerly presented: with unanimous consent, do now become most humble suitors unto your maj. that you would be pleased to give a clear and satisfactory Answer thereunto in full parliament."—Whereunto the king replied,

"The Answer I have already given you was made with so good deliberation, and approved by the judgments of so many wise men, that I could not have imagined but it should have given you full satisfaction: but, to avoid all ambiguous interpretations, and to shew you there is no doubleness in my meaning, I am willing to pleasure you as well in words as in substance. Read your Petition, and you shall have such an Answer as I am sure will please you."

The Petition was read, and then the clerk read this Answer, "Soit Droit fait comme il est desiré."

Then the king further said: "This I am sure, is full; yet no more than I granted you in my first Answer; for the meaning of that was to confirm all your liberties; knowing according to your own protestations, that you neither mean nor can hurt my prerogative. And I assure you that my maxim is, That the peoples liberties strengthen the king's prerogative, and that the king's prerogative is to defend the peoples liberties. You see now how ready I have shewed myself to satisfy your demands, so that I have done my part; wherefore, if this parliament hath not a happy conclusion, the sin is yours; I am free of it."

There is a Memorandum entered in the lords Journal, 'That at the end of the king's first speech, at the Answer to the Petition, and on the conclusion of the whole, the commons gave a great and joyful applause.' Then his maj. arose and departed.—Rushworth informs us, that the commons returned to their own house with unspeakable joy; and resolved so to proceed as to express their thankfulness; and now frequent mention was made of proceeding with the bill of Subsidies; of sending the bills, which were ready, to the lords, and of perfecting the bill of Tunnage and Poundage. Sir John Strangeways also expressed his joy at the Answer; and further added, 'Let us perfect our remonstrance: king James was wont to say, He knew that by parliaments which otherwise he could never have known.'

June 10. The king sent the following Message to the commons by sir Humphrey May:—"His maj. is well pleased that your Petition of Right and his Answer, be not only recorded in both houses of parliament, but also in all the courts of Westminster: and his pleasure is that it be put in print, for his honour, and the content and satisfaction of his people; and that you proceed chearfully to settle business for the good and reformation of the common-wealth."

Bill of five Subsidies passed.] June 12. The commons read a third time, and passed, the bill for granting 5 Subsidies to the king; and ordered that it should be carried up to the lords. Sir Edw. Coke went with it, and almost the whole house attended him.

Proceedings against Dr. Manwaring before the Lords.] June 9. The lord-keeper having reported the Declaration before mentioned, (see p. 388) and the substance of Mr. Pym's speech on the delivery of it, the lords ordered that the said Manwaring should be taken into custody, and brought to answer the Charge exhibited against him, the next morning.—June 10. The lords sent to desire the king to grant some longer time to this session; to which his maj. returned for Answer, 'That so as the great business of the nation, which was intended to go hand in hand with the Petition of Right, might receive no delay; he was contented to enlarge the time of this session, some few days, to dispatch the business of both houses.' This Answer was also sent to the commons.—The lords examined several witnesses in Dr. Manwaring's cause: the proceedings wherein we shall give, de die in diem, from their Journals.

June 11th. Roger Manwaring, doctor in divinity, being this day brought to the bar, the Declaration of the commons against him was read. Then Mr. Serjeant Crew and Mr. Attorney-General did charge him with the offences contained in the said Declaration: and opened the proofs of the said offences out of the several places of his two sermons, which he preached before the king in July last. And they did further charge the said Roger for preaching a third sermon 4th of May last, sitting the parliament, in his own parish church of St. Giles in the Fields; wherein he delivered 3 Articles to this effect, viz. 1. "That in mat-

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ters of Supplies, in cases of necessity, the king had right to order all, as seemed good to him, without consent of his people. 2. That the king might require loans of his people, and avenge on such as should deny. 3. That the subject hath property of his goods in ordinary; but, in extraordinaries, the property was in the king."—And they charged the said Manwaring with great presumption, to dispute the right of the king and liberty of the subject, and the right of the parliaments, in his ordinary sermons.—The Charge being ended, the lord-keeper demanded of Dr. Manwaring, Whether he did acknowledge the 3 tenets to be preached by him in his sermons 4th of May: this he absolutely denied. Whereupon the clerk read the examination of H. Clayton, esq. and sir D. Norton, knt. who had affirmed some parts thereof upon their oaths. Then Dr. M. being admitted to speak for himself, protested before God, upon his salvation, "That he never had any meaning to persuade the king to alter the fundamental laws of the kingdom: his only ends were to do his maj. service; and to persuade a supply in cases of extreme necessity: he desired favour and justice to explain himself; and, because his book consists of many conclusions, that the spiritual lords might be judges of the inferences and logical deductions therein." He further humbly besought their lordships to allow him counsel to speak for him, in point of law; time to answer the particulars; a copy of the Charge in writing; and recourse to his books at home, upon caution to attend again, when their lordships shall appoint.—The prisoner being withdrawn, and, after some debate on his requests, brought to the bar again, the lord-keeper, by direction of the house, blamed him for that he divided his judges; by requiring a part of his Charge against him to be referred to the lords the bishops; whereas the whole matter belongs to all the lords jointly.—Then his lordship told him, That the house had considered of his other requests, and granted him these, viz. 1. To have a copy of his Charge. 2. To have time till Friday morning to make his Answer. 3. To have leave to go to his own house, and to abide there with a keeper. And his lordship further told him, That if, upon recollecting himself, he shall desire access to their lordships to-morrow morning, it shall be granted him.

June 12. A Message from the commons, by sir Edw. Coke and others. The message consisted of two parts: The first concerning the Petition of Right exhibited to his maj. by both houses; that his majesty's Answer thereunto had caused an expression of exceeding great joy throughout the whole kingdom: and, that this joy might be made perpetual, to the honour of the king and comfort of his people, the commons were in consultation amongst themselves, to move their lordships, That the said Petition, with the Answer, might be entered in both houses; that it might be enrolled in all the courts of justice in Westminster hall, for a mirror to the judges: and that it might be printed amongst the statutes of this session. But that, before they could come to move their lordships to join with them in desiring the king that all this might accordingly be done, they were prevented by his majesty's gracious Message to the same effect; of which they have already made an entry in their house. The commons, therefore, desire that the same message may be entered here also; and then all the rest will necessarily follow.—The 2nd part of their Message was concerning Dr. Manwaring's Book: They said they found his majesty's command set upon the first leaf, to warrant the printing of that book; but that this they had cause to suspect, because, though they found those words struck out in the original, they still stood in the printed book. And, as they conceive the printer durst not do it without warrant, they therefore desired their lordships to examine by what means this special command was derived, from his maj. to the printer? And when their lordships have found the party, or parties, who gave the warrant, the commons demand to have him or them punished, with as much severity or more, as Manwaring himself.—*Assic.* "The lords do, unanimously, agree, That his majesty's said Message for the entering, enrolling, and printing of the said Petition and Answer, shall be entered here, as is desired: and, as concerning the examination who gave the warrant for printing of Dr. Manwaring's Book, their lordships will take it into consideration; and do that therein, which shall be fit."

The same day, upon another Message of the commons to the upper house, it was ordered by their lordships, That Rd. Badger, who printed Dr. Manwaring's Book, be presently brought before their lordships; who, being brought to the bar, sworn and examined, answered, That Dr. Manwaring, himself, delivered him his two sermons to be printed, with the bishop of London's signification to that effect, under his lordship's hand: and that when the book was fully printed, Dr. M. brought the title of his said book, written with his own hand, as it is now printed. Hereupon the said printer was dismissed at this time; and the earl of Essex and the bishop of Lincoln were sent, from the house, to the bishop of London, to understand, from his lordship, what authority he had for signifying his majesty's special command for the printing of Dr. Manwaring's Book.

June 13. Dr. Manwaring being this day brought to the bar before the lords, and admitted to speak for himself unto the Charge of the commons against him, answered in effect as followeth; "First, he shewed that he was under a great burthen of sorrow and weakness here to present himself unto their lordships: and then rendered them humble thanks, for giving him leave and time to recollect himself before he made his Answer: and craved a favourable interpretation of what he was now to speak. As touching his two sermons complained of by the commons, he said, 'That he was induced to preach them by a public remon-

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strance of the necessities of the state at that time: and that he printed them at his majesty's special command. That the grounds of his positions, in those two sermons, are in the holy scriptures, and in the interpreters of the scriptures, and are not complained of by the commons, but the inferences only, drawn from those grounds, are questioned by them. He craved leave to explain himself in two of those positions: The first where he says, 'That kings partake of omnipotence with God,' he said, that he meant no more by this than is meant by the holy scriptures, and by the laws of the land: for the Psalms say, Dii estis;' and Mr. Calvin saith, 'Reges a Deo imperium habere, & divinam potestatem in regibus residere:' wherefore to offend against kings he thought it sacrilege; and, by the laws of the kingdom, a great image of God is in the king. The other position, which he desired to explain, was touching the king's justice; where he says, in his second sermon, p. 25. 'That justice intercedes not between God and man, nor between the prince, being a father, and the people, as children: he said, 'That he meant thereby, that as man cannot requite God, nor the child the father; so the king, being dispenser of God's power, cannot be requited: but his meaning was not, that the king should not have laws.—And touching those inferences, made by the commons out of his two sermons complained of, which they impute either to sedition or malice, or to the destroying of the municipal laws of the land, or slighting of parliaments, he protested, before God and his holy angels, that they were never in his thoughts. He only thought to persuade those honourable gentlemen, who refused to conform themselves, to yield a supply unto the present and imminent necessities of the state. And, in the conclusion of his speech, he expressed his great sorrow to be thus accused; and begged pardon and mercy of their lordships, and of the commons, even for God's sake; for the king's sake, whom they so much honoured; for religion's sake; and for his calling's sake; humbly beseeching them to accept of this submission."

This being spoken by Dr. Manwaring, and he willed to withdraw; the lord archbishop of Canterbury, (Dr. Geo. Abbot) called to him to stay; and having desired leave of the house that he might say somewhat unto him, which was granted; his grace then told him, 'That he might have made some better use of the great favour which they did him, in giving him time to recollect himself before his Answer: but he saw in him (as St. Bernard saith) 'That there are some men who are miseri sed non miserendi! and that he was sorry to hear such an Answer to the accusation of the commons:' but, God be thanked, the king had now wiped away what was intended by his two sermons: which sermons, his grace said, he both misliked and abhorred, and was sorry that he came only to extenuate his fault. Touching the participation, which Dr. M. gave the king with God, his grace told him, 'That it was very blasphemy; and that those words in the psalms, Dii estis, do warrant no such matter:' and touching his other assertion, that there is no justice but between equals, and not between God and man; the parent and his children; nor between the king and his people; his grace told him, 'It was impious and false; and that he had thereby drawn an infamy upon us and our religion; and had given an occasion to the Jesuits to traduce us:' and shewed him, 'That the scriptures do plainly declare and prove a justice from God to man, from a parent to his children, and from a king to his people:' and farther, 'That, by the laws of God and man, there was ever a communitive justice between the king and his people, for matter of coins, and a distributive justice for government.' Then putting him in mind of Anasarchis the philosopher, whom the king of Cyprus caused to be brayed in a brazen mortar for his base flattery (as a just reward for all flatterers of princes) he blamed him much for citing of Suarez, and other Jesuits in his sermons: and willed him to read the Fathers, the antient interpreters of the scriptures."

The Archbishop having ended his grave admonition, Dr. Manwaring made a short reply touching his said two assertions: and said, 'That he denied not justice and law to be between king and people; but affirmed that the king's justice could not be requited: and excused himself for citing of Suarez, for in those places he spake for the king.'

The prisoner being withdrawn, the lords considered of their censure against him; and their lordships thought him worthy of severe punishment, for attributing unto the king a participation of God's omnipotence, and an absolute power of government; for his scandalous assertions against parliaments; and for branding those gentlemen, who refused the late Loans, with damnation; but, for that he so deeply protested that he had no intention to seduce the king's conscience; nor to sow sedition between his maj. and his people; nor to incense his maj. against parliaments; nor to abrogate the municipal laws, as was objected by the commons; and in regard that the king himself had protested (as was affirmed by some lords of the privy-council) that he understood him not in that sense; and for that his maj.'s gracious Answer unto the Petition of Right exhibited this parliament, hath removed those jealousies, which otherwise the subjects might justly have feared, by the assertions in those sermons: and also for that he, the said Dr. M. had shewed himself very penitent and sorry for the same: their lordships agreed of a milder sentence against him than otherwise they would.—This sentence, being first argued by parts, was afterwards read and assented unto by the general and unanimous vote of the whole house.

Judgment pronounced against Dr. Manwaring.] June 11. A message was sent to the commons, 'That the lords were ready to proceed to judgment against Dr. Manwaring; if

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they, with their Speaker, will come to demand the same.' *Answ.* 'They will come presently.' The lords being in their robes, Dr. Manwaring was brought to the bar by the serjeant at arms; and the commons with their Speaker being come, Mr. Speaker said:—"My lords; the knights, citizens, and burgesses, of the commons house of parliament, have impeached before your lordships Roger Manwaring, clerk, doctor in divinity, of divers enormous crimes; for which your lordships have convened him before you, and examined the said offences: and now, the commons have commanded me, their Speaker, to demand Judgment against him for the same."—Then the lord-keeper pronounced the judgment against him in these words, viz.

"Whereas Roger Manwaring, doctor in divinity, hath been impeached by the house of commons for misdemeanours of a high nature, in preaching two sermons before his maj. in summer last; which are since published in print, in a book intituled, 'Religion and Allegiance;' and in a third sermon preached in the parish church of St. Giles in the Fields, the 4th of May last; and their lordships have considered of the said Dr. Manwaring's Answer thereunto, expressed with tears and grief for his offence, most humbly craving pardon therefore of the lords and commons: yet nevertheless, for that this can be no satisfaction for the great offences wherewith he is charged by the said declaration, which do evidently appear in the very words of the said two sermons, their lordships have proceeded to judgment against him; and therefore this high court doth adjudge,—1. That Roger Manwaring, doctor in divinity, shall be imprisoned during the pleasure of the house. 2. That he shall be fined at 1000*l.* to the king. 3. That he shall make such submission and acknowledgment of his offences, as shall be set down by a committee in writing, both here at the bar, and in the house of commons. 4. That he shall be suspended for the term of 3 years, from the exercising of the ministry; and in the mean time a sufficient preaching minister shall be provided out of the profits of his living to serve the cure: this suspension, and this provision of a preaching minister, shall be done by the ecclesiastical jurisdiction. 5. That he shall be disabled for ever to preach at the court hereafter. 6. That he shall be for ever disabled to have any ecclesiastical dignity or secular office. 7. That the said book is worthy to be burnt: and that for the better effecting of this, his maj. may be moved to grant a proclamation to call in the said books, that they may be all burnt accordingly, in London, and in both the universities; and for the inhibiting the printing thereof, hereafter, upon a great penalty. And this is the judgment of the lords."

Then the commons departed, and Dr. Manwaring was sent prisoner to the Fleet.—After this the bishop of Lincoln (Dr. John Williams) reported the Answer of the bishop of London, unto the Message sent him by the house the 12th of June, to this effect, viz. That the bishop of London (Dr. Geo. Mountaigne) answered, 'That he received a letter from the bishop of Bath and Wells (Dr. W. Laud) the last summer, for the printing and publishing of Dr. Manwaring's two Sermons, by his majesty's command: and thereupon his lordship did give way for the printing thereof, without further examination: and caused these words, 'Published by his Majesty's Special Command,' to be put on the front of the said book; that it might appear to be printed by his majesty's authority, and not by his lordship's approbation.' Hereupon the said bishop of Bath and Wells, being present, said, 'He could give no sudden Answer unto this report; but acknowledged that he wrote the said letter unto the bishop of London, by his majesty's express commandment, that the said two Sermons should be printed: which letter, he said, he wrote last summer from Woodstock, when his maj. was there.' And the earl of Montgomery affirmed, upon his honour, 'That he was then present at Woodstock, and heard his maj. command the bishop of Bath and Wells to cause the said Book to be printed; and that the said bishop desired his maj. to think better of it, for there were many things therein which would be very distasteful to the people.'—The duke of Bucks, also, and the earls of Suffolk and Dorset, protested, on their honours, 'That they have since heard his maj. affirm as much.'

The Commons, at a Conference, complain of a Commission of Excise.] June 16th. The lord-keeper reported to the lords the effect of a conference, which had been desired by the commons, touching a Commission, dated ultimo Februarii, last past, and granted to several lords and others, to advise the king how to raise money, by impositions, or other ways, in the nature of Excise. After a short preamble, his ldp. commanded the clerk to read the said commission, which being done, he shewed the many inconveniences which the commons observed therein. What they chiefly stood upon, was, 'That to raise money by impositions, without consent of parliament, is directly against the liberty of the subject, and trencheth upon the propriety of their goods; contrary to the judgment lately given this parliament, that is, to his majesty's gracious Answer to the Petition of Right. And that the commons did demand that this patent might be damned and cancelled, the enrolment of it vacated, and the warrant also for the great seal to be cancelled: likewise, the commons did further demand, that the projectors and procurers of this Commission might be discovered and proceeded against.—This report being ended, the lords fell into a long debate on the subject of it; and at last appointed a special committee to draw up a Message to the king, from their house, for cancelling the said Commission.

Rushworth informs us, That, after granting the Petition of Right, the commons ordered that the grand committees for Religion, Trade, Grievances, and Courts of Justice, should sit no

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longer. But, at the same time, that house thought proper to proceed in consideration of Grievances of most moment. And first, they fell upon the Commission for Excise, and sent to the lord keeper for it: who returned Answer, 'That he received the warrant at the council table, for the sealing thereof, and when the Commission was sealed, he returned it back to the said table.' However, the Commission was sent and read in the house, in hæc verba:

"Charles, by the grace of God, &c. To sir Tho. Coventry, knt. lord-keeper of the great seal of England; to James earl of Malburgh, lord high treasurer of England; Henry earl of Manchester, lord president of our council; Edw. earl of Worcester, lord-keeper of our privy-seal; George duke of Buckingham, lord high admiral of England; Wm. earl of Pembroke, lord-steward of our houshold; Philip, earl of Montgomery, lord-chamberlain of our houshold; &c. greeting. Whereas the present conjuncture of the general affairs of Christendom, and our own particular interest, in giving assistance unto our oppressed allies, and for providing for the defence and safety of our own dominions and people, do call upon us to neglect nothing that may conduce to those good ends: and because monies (the principal sinews of war, and one of the first and chiefest movers in all great preparations and actions) are necessary to be provided in the first place; and we are careful the same may be raised by such ways as may best stand with the state of our kingdoms and subjects; and yet may answer the pressing occasions of the present times: we, therefore, out of the experience we have had, and for the trust we repose in your wisdoms, fidelities, and dutiful care of our service; and for the experience you have of all great causes concerning us and our state, both as they have relation to foreign parts abroad; and as to our commonwealth, and people at home, (ye being persons called by us to be of our privy-council) have thought fit, amongst those great and important matters, which so much concern us, in the first and chiefest place, to recommend this to your special care and diligence. And we do hereby authorize and appoint, and strictly will and require you, that, speedily and seriously, you enter into consideration of all the best and speediest Ways and Means ye can, for raising of Monies for the most important occasions aforesaid; which, without extremest hazard to us, our dominions, and people, and to our friends, and allies, can admit of no long delay: the same to be done by impositions, or otherwise, as in your wisdoms and best judgments ye shall find to be most convenient in a case of this inevitable necessity; wherein form and circumstance must be dispensed with, rather than the substance be lost, or hazarded. And herein, our will and pleasure is, that you, or as many of you, from time to time, as can be spared from attendance upon our person, or other our necessary services, do use all diligence by your frequent meetings, and serious consultations. And when ye have brought any thing to maturity, ye make report thereof unto us, and advertise us of those things ye shall either resolve upon, or think fit to represent unto us, for the advancement of this great service; which with the greatest affection we can, we recommend to your best care and judgment; whereof ye must not fail, as ye tender our honour, and the safety of our dominions and people: and for doing hereof, these presents shall be to you, and every of you, a sufficient warrant and discharge in that behalfe: in witness whereof we have caused these our letters to be made patent. witness ourself, at Westminster, the last day of Feb. in the 3rd year of our reign. Per ipsum Regem."

The Debate relating to the D. of Buckingham renewed.] Rushworth tells us, that the house, having well nigh finished the several particulars of Grievances of most moment, resumed the former motion: to declare who was the Cause of all those evils, which, in a committee of the whole house, was mentioned before. This debate was as hot as ever, and the crimes so frequently objected against the duke, were brought in afresh, as if they had never been proposed in the house. One made a distinction that the duke was *the cause* of some, and *a cause* of other Grievances. For the 1st, he instanced in the disaster of the armies, the decay of ports, trade, ships, and mariners. For the 2nd, he instanced in religion. 1st, His mother was a recusant, and a fosterer of recusants. 2ndly, He honours papists by imployments, and papist captains are placed by him. And as for Arminians, York House (then the duke's residence) is a place of consultation for Montague and others, from whence is like to follow innovation in government.—Another (in pursuit of the argument, that papists were employed by the duke) named Dalbier, as the man who betrayed our men at the Isle of Rhée; where all was carried by the advice of private men, and some ill-affected in religion; that in an assault before they came away, 500 men were lost; and in the retreat Dalbier was to make a bridge, which did so intangle them, as they could make no defence: and all contrary to the advice of the rest of the commanders.

Sir *Rob. Philips* was of opinion to have the declaration run thus, 'We conceive the greatness and power of the duke of Buckingham is the chief cause of all these evils.' We are not in a way of charge, but of a remonstrance.—Sir J. Elliot, sir E. Coke, and Mr. Selden were positive to name the duke as the Cause of our evils; for so, said they, 'He has been already declared in the last parliament; since when, the causes are multiplied, and he hath deserved nothing better of the commonwealth.'

Sir *H. May* put them again in mind of the king's desire, 'That all personal aspersions might be forborn; that his maj. will take it as an argument of their moderation and judgment, if they forbear in this.'

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Sir *Henry Martin* advised, 'That the Remonstrance be so framed, as to make it passable to his majesty's judgment and affection: let him be persuaded that it comes from a public sense, and not from private ends.' And he vindicated the duke in point of religion. 'It is true (said he) his mother is a Recusant, but never any thing more grieved him, and never did a son use more means than he to convert her, and he hath no power over her; and for his own lady, whom he found not firm in his religion, he hath used means to confirm her. As for Arminians, I have often heard him protest and vow against their opinions. It is true, many that have skill therein may have some credit with him, and make use of his noble nature for their own ends. One particular I know well, that some gentlemen and preachers of great esteem were questioned for a matter, wherein there was some error in the manner, of which they were presented; I told him of them and that they were questioned, and he answered me, He would do the best he could for to countenance them.'

Sir *Benj. Rudyard* gave his judgment, 'That if the matter be urged home, it will proclaim the man louder than we can in words. If we name excess of power, and abuse of power, it will reach to the duke, and all others in future times; and to a gentleman of honour, nothing is so dear as sense of honour. I am witness, and do know, that he did many great and good offices to this house. If the forfeiture of my life could breed an opinion, that ye should have no occasion to complain at your next meeting, I would pawn it to you. Nor let any man say, it is fear makes us desist, we have shewed already what we dare do.'

Sir *Thomas Jermin*, because the employment of Dalbier had given much offence, stood up in his defence, and said, 'He had given great evidence of his trust and fidelity. When the count Palatine retired himself, and the council agreed to send a party under count Mansfield to make a head; and the king sent word to the Palatine to be present in person, Dalbier went along with him, with one more; and being in a village in Germany, a troop of 50 horse met them, and Dalbier went to the captain and said, We are in a strait, I will give you so many crowns to conduct us,' which was done, and Dalbier went along with him.

June 13th. It was agreed, upon the question, 'That the excessive power of the duke of Buckingham, is the cause of the evils and dangers to the king and kingdom; and that this be added to the Remonstrance.' But this circumstance is not mentioned in the Journal of this day, though there is somewhat the next day to that purport.

The commons about this time voted, 'That Dr. Neile, bishop of Winchester,* and Dr. Laud, bishop of Bath and Wells, be named to be those near about the king who are suspected to be Arminians, and that they are justly reputed to be unsound in their opinions that way.'

Remonstrance of the Commons against the D. of Bucks, as being the Cause of all Grievances.] The house being turned again into a committee concerning the Remonstrance, Mr. Selden proposed, 'That to the excessive power of the duke of Bucks should be added, 'The abuse of that power:' and since that abuse is the cause of these evils, that it be presented to his maj. to consider whether it be safe for the king and commonwealth, that a man of his power should be so near his maj.' This was ordered accordingly; and all the parts of the Remonstrance being agreed unto, it was perfected to be presented to the king, as follows:

"Most dread Sovereign; As with all humble thankfulness we your dutiful commons, now assembled in parliament, do acknowledge the great comfort which we have in your maj.'s pious and gracious disposition; so we think it a meet and most necessary duty, being called by your maj. to consult and advise of the great and urgent affairs of this church and commonwealth, finding them at this time in apparent danger of ruin and destruction, faithfully and dutifully to inform your maj. thereof, and with bleeding hearts and bended knees, to crave such speedy redress therein, as to your own wisdom (unto which we most humbly submit ourselves and our desires) shall seem most meet and convenient. What the multitude and potency of your maj.'s enemies are abroad? What be their malicious and ambitious ends? And how vigilant and constantly industrious they are in pursuing the same, is well known to your majesty: together with the imminent dangers threatened thereby to your sacred person and your kingdoms, and the calamities which have already fallen, and do daily increase upon your friends and allies; of which, we are well assured, your maj. is most sensible, and will accordingly, in your great wisdom, and with the gravest and most mature council, according to the exigency of the times and occasions, provide by all good means to prevent and help the same.—To which end we most humbly intreat your maj. first and especially to cast your eyes upon the miserable condition of this your own kingdom; of late so strangely impoverished and dishonoured, that unless, through your maj.'s most gracious wisdom, goodness, and justice, it be speedily raised to a better condition, it is in no little danger to become a sudden prey to the enemies thereof; and from being the most happy and flourishing, to be the most miserable and contemptible nation in the world. In the discoveries of which dangers, mischiefs, and inconveniencies lying upon us, we do freely protest that it is far from our thoughts to lay the least aspersion upon your sacred person, or the least scandal upon your government; for we do, in all sincerity of our hearts, not only for ourselves, but

* See the proceedings against this prelate, when bishop of Lincoln, upon a Complaint of the Commons, anno 12 JAC. I. in Vol. 1. p. 1159.

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in the name of all the commons of the realm (whom we represent) ascribe as much honour, as a most loyal and affectionate people can do, unto the best king: for so you are, and so have been pleased abundantly to express yourself, this present parliament, by your majesty's clear and satisfactory Answer to our Petition of Right; for which both ourselves and our posterity shall bless God for you, and ever preserve a thankful memory of your great goodness and justice therein. And we do also verily believe that all, or most of these things, which we shall now present unto your majesty, are either unknown unto you, or else by some of your majesty's ministers offered under such specious pretences as may hide their own bad intentions, and ill consequences of them, from your majesty. But we assure ourselves, according to the good example of your majesty's predecessors, nothing can make your maj. (being a wise and judicious prince, and above all things desirous of the welfare of your people) more in love with parliaments than this, which is one of the principal ends of calling them: that therein your maj. may be truly informed of the state of all the several parts of your kingdom, and how your officers do behave themselves in discharge of the trust reposed in them by your maj. which is scarce possible to be made known to you, but in parliament; as was declared by your blessed father, when he was pleased to put the commons in parliament assembled in mind, 'That it would be the greatest unfaithfulness, and breach of duty to his maj. and of the trust committed to them by the country that could be, if in setting forth the Grievances of the people, and the condition of all the parts of this kingdom from whence they come, they did not deal clearly with him, without sparing any, how near and dear soever they were unto him, if they were hurtful or dangerous to the common-wealth.'—In confidence therefore of your majesty's gracious acceptation in a matter of so high importance, and in faithful discharge of our duties; we do, first of all, most humbly beseech your maj. to take notice that howsoever we know your maj. doth, with your soul abhor, that any such thing should be imagined or attempted; yet there is a general fear in your people of some secret working and combination to introduce into your kingdom some innovation and change of our holy Religion, more precious unto us than our lives and whatever this world can afford. And our fears and jealousies herein are not meerly conjectural, but arising out of such certain and visible effects, as may demonstrate a true and real cause; for notwithstanding the many good and wholesome laws, and the provisions made to prevent the increase of Popery within this kingdom; and notwithstanding your majesty's most gracious and satisfactory Answer to the Petition of both houses in that behalf, presented to your majesty at Oxford; (see p. 21); we find there hath followed no good execution nor effect; but on the contrary (at which your maj. out of the quick sense of your own religious heart cannot but be in the highest measure displeased) those of that religion do find extraordinary favours and respect at court, from persons of great quality and power there, whom they continually resort unto, and in particular to the countess of Buckingham; who, herself openly professing that religion, is a known favourer and supporter of them that do the same; which we well hoped, upon your majesty's Answer to the aforesaid Petition at Oxford, should not have been permitted; nor that any of your majesty's subjects of that religion, or justly to be suspected, should be entertained in the service of your maj. or your royal consort the queen. Some likewise of that religion have had honours, offices, and places of command and authority lately conferred upon them. But that which striketh the greatest terror into the hearts of your loyal subjects concerning this, is, that letters of stay of legal proceedings against them have been procured from your maj. by what indirect means we know not: and commissions under the great seal, granted and executed for composition to be made with popish recusants, with inhibitions and restraint both to the ecclesiastical and temporal courts and officers, to intermeddle with them; which is conceived to amount to no less than a toleration, odious to God, full of dishonour and extreme disprofit to your maj. of extreme scandal and grief to your good people, and of apparent danger to the present state of your maj. and of this kingdom; their numbers, power, and insolency daily increasing in all parts of your kingdom, and especially about London and the suburbs thereof; where exceeding many families do make their abode, publickly frequent mass at Denmark-house and other places, and by their often meetings and confereuces have opportunities of combining their counsels and strength together, to the hazard of your majesty's safety and the state, and most especially in these doubtful and calamitous times.—And as our fear, concerning change or subversion of Religion, is grounded upon the daily increase of Papists, the open and professed enemies thereof, for the reasons formerly mentioned: so are the hearts of your good subjects no less perplexed, when with sorrow they behold a daily growth and spreading of the faction of the Arminians, that being, as your maj. well knows, but a cunning way to bring in popery; and the professors of those opinions, the common disturbers of the protestant churches, and incendiaries in those states wherein they have gotten any head, being protestants in shew, but jesuits in opinion and practice; which caused your royal father, with so much pious wisdom, and ardent zeal, to endeavour the suppressing of them, as well at home as in the neighbour countries. And your gracious maj. imitating his most worthy example, hath openly, and by your proclamation, declared your mislike of those persons, and of their opinions; who notwithstanding are much favoured

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and advanced, not wanting friends even of the clergy, near to your maj.; namely, Dr. Neile bp. of Winchester, and Dr. Laud bp. of Bath and Wells, who are justly suspected to be unsound in their opinions that way. And, it being now generally held the way to preferment and promotion in the church, many scholars do bend the course of their studies to maintain those errors; their books and opinions are suffered to be printed and published; and on the other side, the imprinting of such as are written against them, and in defence of the orthodox religion, are hindered and prohibited; and (which is a boldness almost incredible) this restraint of orthodox books, is made under colour of your majesty's formerly mentioned proclamation, the intent and meaning whereof, we know, was quite contrary.—And further, to increase our fears concerning innovation of Religion, we find, that there hath been no small labouring to remove that which is the most powerful means to strengthen and increase our own religion, and to oppose the contrary, which is the diligent teaching and instruction of the people in the true knowledge and worship of Almighty God. And therefore means hath been sought out to depress and discountenance pious, painful, and orthodox preachers; and how conformable soever, and peaceable in their disposition and carriage they be, yet the preferment of such is opposed; and, instead of being encouraged, they are molested with vexatious courses and pursuits, and hardly permitted to lecture, even in those places where are no constant preaching ministers; whereby many of your good people (whose souls in this case we beseech your maj. to commiserate) are kept in ignorance, and are apt to be easily seduced to error and superstition.—It doth not a little also increase our dangers and fears this way, to understand the miserable condition of your kingdom of Ireland; where, without controul, the popish religion is openly professed and practised in every part thereof: popish jurisdictions being there generally exercised and avowed; monasteries, nunneries, and other superstitious houses newly erected, re-edified, and replenished with men and women of several orders, and in a plentiful manner maintained at Dublin, and most of the great towns and divers other places of the kingdom: which of what ill consequence it may prove, if not seasonably repressed, we leave to your majesty's wisdom to judge: but most humbly beseech you (as we assure ourselves you will) to lay the serious consideration thereof to your royal and pious heart, and that some speedy course may be taken for redress therein.—And if now, to all these, your maj. will be pleased to add the consideration of the circumstances of time, wherein these courses, tending to the destruction of true Religion, within these your kingdoms, have been taken here; even then when the same is, with open force and violence, prosecuted in other countries, and all the reformed churches in Christendom, either depressed, or miserably distressed: we do humbly appeal unto your majesty's princely judgment, whether there be not just ground of fear that there is some secret and strong co-operating here with the enemies of our religion abroad, for the utter extirpation thereof: and whether, if those courses be not speedily redressed, and the profession of true religion more encouraged, we can expect any other but misery and ruin speedily to fall upon us; especially if, besides the visible and apparent dangers wherewith we are compassed about, you would be pleased to remember the displeasure of Almighty God, always bent against the neglect of his holy religion, the strokes of whose divine justice we have already felt, and do still feel, with smart and sorrow, in great measure.—And besides this fear of innovation in Religion, we do, in like faithful discharge of our duties, most humbly declare to your maj. that the hearts of your people are full of fear of innovation and change of government, and accordingly possessed with extreme grief and sorrow; yet, in this point, by your majesty's late Answer to our Petition of Right, touching our liberties, much comforted and raised again out of that sadness and discontent, which they generally had conceived throughout the whole kingdom, for undue courses which were the last year taken for raising of monies by Loans; than which (whatever your maj. hath been informed to the contrary) there were never any monies demanded nor paid with greater grief, and general dislike of all your faithful subjects; though many, partly out of fear, and partly out of other respects, yet most unwillingly, were drawn to yield to what was required.—The Billeting of Soldiers did much augment both their fears and grief; wherein likewise they find much comfort upon your gracious Answer to our Petition of Right, and to what we presented to your maj. concerning this particular. Yet we most humbly beseech your maj. that we may inform you, that the yet continuance, and late re-inforcing of those soldiers; the conditions of their persons, many of them not being natives of this kingdom, nor of the same but of an opposite religion; the placing them upon the sea-coast, where making head among themselves, they may unite with the popish party at home, if occasion serve, and join with an invading enemy to do extreme mischief; and that they are not yet dismissed; do both still minister cause of jealousy in your loving subjects; for that the soldiers cannot be continued without exceeding great danger of the peace and safety of your kingdom.—The report of the strange and dangerous purpose of bringing in German horse and riders, would have turned our doubts into despair, and our fears into a certainty of confusion, had not your majesty's gracious Message (for which we humbly give you thanks) comforted us, by the assurance of your royal word, that they neither are, nor were intended by your maj. for any service in England: but that they were designed for some other foreign employment: yet the sight of the

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privy-seal, by which, it seemeth, they were to be levied; the great sum of money, which upon examinations, we found to be paid for that purpose, gave us just cause of fear: and, much about the same time, there was a commission under the great seal granted unto the lords and others of the privy council, to consider of other ways for raising monies, so particularly by impositions; which gave us just cause to suspect, that whatsoever was your majesty's gracious intentions, yet there wanted not those, that, under some colourable pretence, might secretly by this, as by other ways, contrive to change the frame both of religion and government, and thereby undermine the safety of your maj. and your kingdoms.—These men could not be ignorant, that the bringing in of strangers for aid hath been pernicious to most states, where they have been admitted, but to England fatal. We do bless God that hath given your maj. a wise understanding heart to discern of those courses, and that such power produceth nothing but weakness and calamity. And we beseech your maj. to pardon the vehemency of our expression, if, in the loyal and zealous affections we bear to your maj. and your service, we are bold to declare to your maj. and the whole world, That we hold it far beneath the heart of any free Englishman to think, that this victorious nation should now stand in need of German soldiers to defend their own king and the kingdom.—But when we consider the course formerly mentioned, and these things tending to an apparent change of government; the often breaches of parliament, whereby your maj. hath been deprived of the faithful counsel, and free aids of your people; the taking of Tonnage and Poundage, without grant thereof by act of parliament, ever since the beginning of your majesty's reign to this present; the standing commission, granted to the duke of Buckingham, to be general of an army in the land, in the time of peace; the discharging of faithful and sufficient officers and ministers, some from judicial places, and others from the offices and authorities, which they formerly held in the commonwealth: we cannot but, at the sight of such an apparent desolation as must necessarily follow these courses, out of the depth of sorrow, lift up our cries to heaven for help; and next, under God, apply ourselves unto your sacred maj.; who, if you could hear so many thousands speaking together, do jointly implore speedy help and reformation.—And if your maj. would be pleased to take a further view of the present state of your realm, we do humbly pray you to consider, whether the miserable disasters, and ill success that hath accompanied all your late designs and actions, particularly those of Cadiz, and the Isle of Rhée, and the last expedition to Rochel, have not extremely wasted that stock of honour that was left unto this kingdom, sometimes terrible to all other nations, and now declining into contempt beneath the meanest.—Together with our honour, we there lost those (and that not a few) who, had they lived, we might have had some better hope of recovering it again; our valiant and expert colonels, captains and commanders; and many thousand common soldiers and mariners: though we have some cause to think, that your maj. is not as yet rightly informed thereof; and that of 6 or 7000 of your subjects lost at the Isle of Rhee, your maj. received information but of a few hundreds. And this dishonour and loss hath been purchased with the consumption of above a million of treasure.—Many of the forts are exceeding weak and decayed, and want both men and munition. And here we cannot but with grief consider and complain of a strange improvidence (we think your maj. will rather call it treachery) that your store of powder, which, by order of your privy council, dated the 10th Dec. 1626, should be constantly 300 lasts, besides a continual supply of 20 lasts a month for ordinary expences, and were now fit (as we conceive) to be double the proportion, is at this time in the Tower (the present warrants being served) but 9 lasts and 48 pounds in all; which we tremble to think of. And that notwithstanding this extreme scarcity of powder, great quantities have been permitted to be sold out of your majesty's store, to particular persons, for private gain; whereof we have seen a certificate of 6 lasts sold since the 14th of Jan. last, and your majesty's store yet unfurnished of powder; which, by a contract made with Mr. Evelyn, by advice of your lords in parliament, ought to be supplied monthly with 20 lasts, at the rate of 3*l.* 10*s.* 10*d.* a barrel; yet your maj. hath been forced to pay above 7*l.* a barrel for powder, to be brought in from beyond seas; for which purpose, 12,100*l.* was impressed to Mr. Burkemachi the last year; and that powder not so good as what by contract your maj. should have, by one third part: all which are most fearful and dangerous abuses.—But what the poverty, weakness, and misery of our kingdom is now grown unto by decay of trade, and destruction and loss of ships and mariners, within these 3 years, we are almost afraid to declare: and could we, by any other means, have been sure, that your maj. should any other way have had a true information thereof, we should have been doubtful to have made our weakness, and extremity of misfortune in this kind to appear: but the importunate and most pitiful complaints from all parts of the kingdom adjoining to the sea, in this kind, would rend, as we think, the stonyest heart in the world with sorrow; and the sense we have of the miserable condition your kingdom is in by reason thereof, especially, for that we see no possible means (being now shortly to end this session) how to help the same, adds such a weight of grief unto our sad thoughts, as we have not words to express it: but for your majesty's more exact information therein, we beseech you be pleased to peruse the kalendar of particulars, which, with the remonstrance, we most humbly present unto your maj.—One reason amongst many of this decay of trade, and loss of ships and mari-

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ners, is, The not guarding of the narrow seas; the regality whereof your maj. hath now in a manner wholly lost, being that wherein a principal part of the honour and safety of this kingdom heretofore consisted, and now having absolutely neglected it, the town of Dunkirk doth so continually rob and spoil your subjects, that we can assure your maj. if some present and effectual remedy be not forthwith provided, the whole trade of this kingdom, the shipping, mariners, and all belonging thereunto, will be utterly lost and consumed. The principal cause of which evils and dangers we conceive to be the excessive power of the duke of Buckingham, and the abuse of that power: and we humbly submit unto your majesty's excellent wisdom, whether it be safe for yourself or your kingdoms, that so great power as rests in him by sea and land, should be in the hands of any one subject whatsoever.—And as it is not safe, so sure we are, it cannot be for your service; it being impossible for one man to manage so many and weighty affairs of the kingdom as he hath undertaken, besides the ordinary duties of those offices which he holds; some of which, well performed, would require the time and industry of the ablest men both in counsel and action, that your whole kingdom will afford, especially in these times of common danger.—And our humble desire is further, That your most excellent maj. will be pleased to take into your most princely consideration, Whether, in respect the said duke hath so abused his power, it be safe for your maj. and your kingdom, to continue him either in his great offices, or in his place of nearness and counsel about your sacred person.—And thus, in all humility, aiming at nothing but the honour of Almighty God, and the maintenance of his true religion, the safety and happiness of your most excellent maj. and the preservation and prosperity of this church and commonwealth, we have endeavoured, with faithful hearts and intentions, and in discharge of the duty we owe to your maj. and our country, to give your maj. a true representation of our present danger and pressing calamities; which we humbly beseech your maj. graciously to accept, and to take the same to heart; accounting the safety and prosperity of your people, your greatest happiness, and their love your richest treasure. A rueful and lamentable spectacle, we confess, it must needs be, to behold those ruins in so fair an house; so many diseases, and almost every one of them deadly, in so strong and well-tempered a body as this kingdom lately was: but yet we will not doubt, but that God hath reserved this honour for your maj. to restore the safety and happiness thereof, as a work worthy so excellent a prince; for whose long life and true felicity we daily pray, and that your fame and never-dying glory may be continued to all succeeding generations."

Then a Message was sent to his maj. desiring access to his person with this Remonstrance, and the Speaker was appointed to deliver it; who much desired to be excused, but the house would not give way thereunto. Soon after the king sends a message by sir H. May, that he means to end this session on the 26th of June: whereupon the commons resolved to proceed immediately with the bill of Tonnage and Poundage.—We now return back to the lords.

The Duke of Buckingham complains of an Aspersion cast upon him.] June 16. The duke of Buckingham signified to the lords, that he was informed a member of the commons had affirmed his grace did speak these words at his own table, viz. 'Tush, it makes no matter what 'the commons or parliament doth; for, with-'out my leave and authority, they shall not 'be able to touch the hair of a dog.'—The duke desired leave of the lords, That he might make his protestation in the house of commons concerning that Speech, and to move that he who spoke it of him might be commanded to justify it, and his grace heard to clear himself. The lords, considering of this complaint, ordered, 'That the duke should be left to himself, to do therein as he thought proper.' His grace gave them thanks; and protested, upon his honour, That he never had these words so much as in his thoughts: which Protestation the lords ordered to be entered in their Journal, that the duke might make use of them as need should be.

The Lords beseech the King to cancel the Commission of Excise, &c.] June 16, *p. m.* The committee of lords, appointed to consider of the Commission of Excise, brought in a draught of a Message to be sent to the king about vacating it; which was read as follows:

"May it please your most excellent maj. Whereas there was transmitted unto us, from the house of commons, a certain patent, under the great seal, bearing date the last of February, authorizing 33 of your majesty's counsellors, to consult and advise your maj. of some ways to raise money, by imposition, or otherwise. And although we have received satisfaction, from some of your majesty's council, that this was no more than a commission or warrant to advise only; yet, to free your subjects of all jealousies, and because this way of requiring advice, under the great seal, does seem unusual, we do humbly beseech your maj. to cancel the said commission; and, if it be enrolled, to vacate the same also, with the warrant; and to give the lord-keeper orders to effect this with all convenient speed."

The same committee delivered in another Message, drawn by them, to the king, against Dr. Manwaring's Books; desiring his maj. to put out his Proclamation to call in the said books, that they might be all burnt in London and Westminster, and at both the universities. Also to inhibit the reprinting of them under severe penalties, &c. Both these Messages were approved of by the lords, and ordered to be delivered to his maj. by the lord keeper, in the name of the whole house.

The Lords Exceptions to the Form of the

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Subsidy Bill.] June 17. The commons had now sent up their bill of Subsidies to the lords, who had read it twice; but finding some exception, for naming the commons only in the grant, they agreed to have a conference with them about it. Accordingly a message was sent to the lower house, to desire a conference on certain matters, tending to the preservation of the good correspondency between both houses. Answered, 'They would attend presently.'—It was then agreed, 'That the lord-keeper should signify to the commons, at this conference, the great care the lords have had, all this parliament, to continue a right understanding between both houses; which was best done when nothing is intrenched upon by either house. To shew them that, in the front of the bill of Subsidies, which they lately sent up, only the commons are named; whereas in many precedents, even in the last parliament, it is, 'We your maj.'s most humble and loyal subjects, in your high court of parliament, &c.' neither naming the lords nor yet the commons. That the lords conceive this might happen, rather by some slip, than done of set purpose. To move them, that the word 'commons' may be struck out; for as the commons give their Subsidies for themselves, and for the representative body of the kingdom, so likewise the lords have the disposition of their own.'—This being delivered to the commons, at the conference, their committee said, 'They must make known this proposition of the lords to their whole house; and hoped speedily to return to give them an Answer.' But, on their coming back, they only said, 'That there was nothing more desired than good correspondency between the lords and them; which they esteemed an earthly paradise: that they had taken their lordships proposition, for altering the bill, into consideration, and they find it a matter of more moment than to be suddenly resolved on: but the next morning they would consider farther of it, and return an Answer with all convenient speed.'

June 18. A Message was brought by sir Edw. Coke and others, 'That the commons had considered of their lordships proposal, about the Subsidy Bill; and as they had always endeavoured to keep up a good correspondency between the two houses; knowing well that it is the very heartstring of the commonwealth; so they should be ever as zealous of their lordships privileges as of their own rights.' This ambiguous answer was all the commons sent; but yet the lords were content with it, and expressed great joy and comfort, as it is termed in the message. There was also another conference held the same day, concerning a proper title to be given to their Petition of Right, and the enrolling and printing of the same.

This day the lord keeper reported the king's Answer to the two Messages, concerning the cancelling the commission of Excise, and about Dr. Manwaring's Book, "That their lordships had reason to be satisfied with what was truly and rightly told them by the lords of the council, that this commission was no more than a warrant of advice, which his maj. knew would be agreeable to that time, and to the manifold occasions then in hand: but now, having a supply from the love of his people, he esteems that commission useless; and therefore, though he knows no cause why any jealousies should have risen thereby, yet, at their desires, he is content that it be cancelled; and hath commanded to bring both the commission and warrant to him, to be cancelled in his presence." As to Dr. Manwaring, his maj. said, "That he was well pleased with their request, and would order the attorney-general to prepare a proclamation accordingly."

June 19. The lord president of the council acquainted the lords, 'That his majesty had caused the Commission so much complained of by the commons, with the warrant for putting the seal to the same, to be cancelled in his presence.' His lordship openly shewed them so cancelled to the house; on which a Message was sent to the commons, along with those instruments; but with orders to bring them back again, when shewn to that house.

June 20. The Title to the Petition of Right was agreed on by the lords and commons, and approved by the king: it run in these words, 'The Petition exhibited to his majesty, by the lords spiritual and temporal, and commons, in this present parliament assembled, concerning divers Rights and Liberties of the Subjects; with the king's most royal Answer thereunto, in full parliament.' Agreed also, 'That the king's Answer, in French, should be printed in English, for the better satisfaction of the vulgar.'

Dr. Manwaring's Submission.] June 21. Dr. Manwaring was brought to the bar, in order to read and subscribe the following Submission, which a committee of lords had drawn up for that purpose: viz.

"May it please this honourable house, I do here, in all sorrow of heart and true repentance, acknowledge the many errors and indiscretions which I have committed; in preaching and publishing those two Sermons of mine, which I called 'Religion and Allegiance,' and my great fault in falling upon this theme again, and handling the same rashly and unadvisedly, in my own parish church of St. Giles in the Fields, the 4th of May last past. I do fully acknowledge those 3 Sermons of mine, to have been full of many dangerous passages, inferences, and scandalous aspersions in most parts of the same: and I do humbly acknowledge the justice of this honourable house, in that Judgment and Sentence passed upon me for my great offence: and I do, from the bottom of my heart, crave pardon of God, the king, and this honourable house, the church, and this commonwealth in general, and those worthy persons adjudged to be reflected upon by me in particular, for these great errors and offences.—ROGER MANWARING."

After this, the doctor was led into the house

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of commons by the warden of the Fleet prison, where he made the same submission, on his knees, at their bar.

Debate in the Commons on the Bill for Tunnage and Poundage.] The commons had now resumed their debate on the bill for Tunnage and Poundage; in which Mr. Selden's arguments chiefly turned on these points: 'That whereas the king's counsel objected, that 1 Eliz. saith, it was granted time out of mind to the king; he feared his majesty is told so, and some body doth ascertain him so: but we may clear that; for not only 1 Eliz. but also in the statute of 1 Jac. the words 'time out of mind' is, That whereas king Hen. 7. and other his majesty's progenitors, have had some Subsidy for the guarding of the seas; and there was never a king but had some Subsidy; in that sense it is, indeed, 'time out of mind;' yet is it a matter of free gift: for public bills, the king saith, 'Le Roy le veult;' for Petitions of Right, 'Soit droit fait comme il est desiré.' For the bill of Subsidies, it is thus, 'the king heartily thanketh the subjects for their good wills;' in all the bills of Tunnage and Poundage is the very same answer, save one, which was 1 Eliz. and but for that only mistake of the clerk, it hath ever the same assent as the bill of Subsidy.'

Remonstrance of the Commons to the King on that Subject.] Upon this debate it was ordered, "That a committee be appointed to draw up a Remonstrance to his majesty of the People's Rights, and of the undue taking of Tunnage and Poundage, and Impositions, without act of parliament; and to shew the reasons why the house cannot, in so short a time, prepare that bill."—The Remonstrance was as followeth:—

"Most gracious sovereign; Your majesty's most loyal and dutiful subjects, the commons in this present parliament assembled, being in nothing more careful, than of the honour and prosperity of your majesty and the kingdom; which they know do much depend upon that happy union and relation betwixt your majesty and your people; do with much sorrow apprehend, that (by reason of the uncertainty of their continuance together, the unexpected interruptions which have been cast upon them, and the shortness of time in which your majesty hath determined to end this session) they cannot bring to maturity and perfection, divers businesses of weight, which they have taken into their consideration and resolution, as most important for the common good: amongst other things, they have taken into especial care the preparing of a bill, for the granting of your majesty such a Subsidy of Tunnage and Poundage, as might uphold your profit and revenue in as ample a manner, as their just care and respect of trade (wherein not only the prosperity, but even the life of the kingdom do consist) would permit: but being a work which will require much time and preparation, by conference with your majesty's officers, and with the merchants, not only of London, but of other remote parts, they find it not possible to be accomplished at this time: wherefore, considering it will be much more prejudicial to the right of the subject, if your maj. should continue to receive the same, without authority of law, after the determination of a session, than if there had been a recess by adjournment only; in which case, that intended grant would have related to the first day of the parliament: and assuring themselves, that your maj. is resolved to observe your royal Answer, which you have lately made to the Petition of Right of both houses of parliament; yet doubting lest your majesty may be misinformed concerning this particular case, as if you might continue to take those subsidies of tonnage and poundage, and other impositions upon merchants, without breaking that Answer; they are forced, by that duty which they owe to your maj. and to those whom they represent, to declare, 'That there ought not any imposition to be laid upon the goods of merchants, exported or imported, without common consent by act of parliament; which is the right and inheritance of your subjects, founded not only upon the most antient and original constitutions of this kingdom, but often confirmed and declared in divers statute laws.'—And for the better manifestation thereof may it please your majesty to understand, That although your royal predecessors, the kings of this realm, have often had such subsidies and impositions granted unto them, upon divers occasions, especially for the guarding of the seas, and safeguard of merchants: yet the subjects have been ever careful to use such cautions and limitations in those grants, as might prevent any claim to be made, as if such subsidies did proceed from duty, and not from the free gift of the subjects. And that they have heretofore used to limit a time in such grants, and for the most part but short, as for a year or two; and if it were continued longer, they have sometimes directed a certain space of cessation or intermission, that so the right of the subject might be more evident. At other times it hath been granted upon occasion of war, for a certain number of years, with proviso, That if the war was ended in the mean time, then the grant should cease: and of course it hath been sequestred into the hands of some subjects, to be employed for the guarding of the sea coasts.—It is acknowledged by the ordinary answers of your majesty's predecessors, in their assent to the bills of Tonnage and Poundage, that it is of the nature of other subsidies, proceeding from the good-will of the subject: very few of your predecessors had it for life, until the reign of Hen. 7. who was so far from conceiving he had any right thereunto, that, although he granted commissions for collecting certain duties and customs due by law, yet he made no commissions for receiving the subsidy of Tonnage and Poundage, until the same was granted unto him in parliament. Since his time, all the kings and queens of this realm

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have had the like grants for life, by the free love and good-will of the subject. And whensoever the people have been grieved, by laying any impositions or other charges upon their goods and merchandizes, without authority of law (which hath been very seldom); yet, upon complaint in parliament, they have been forthwith relieved; saving in the time of your royal father, who having, through ill counsel, raised the rates and charges upon merchandizes to that height at which they now are; yet he was pleased so far for to yield to the complaint of his people, as to offer, That if the value of those impositions, which he had set, might be made good unto him, he would bind himself and his heirs, by act of parliament, never to lay any other: which offer the commons at that time, in regard of the great burden, did not think fit to yield unto. Nevertheless, your loyal commons in this parliament, out of their especial zeal to your service, and especial regard of your pressing occasions, have taken into their consideration, so to frame a grant of Subsidy of Tonnage and Poundage to your maj. that your maj. might be the better enabled for the defence of your realm; and your subjects, by being secure from all undue charges, be the more encouraged chearfully to proceed in their course of trade; by the increase whereof, your majesty's profit, and likewise the strength of the kingdom, would be very much augmented.—But not being now able to accomplish this their desire, there is no course left unto them, without manifest breach of their duty, both to your maj. and their country, save only to make this humble Declaration, That the receiving of Tonnage and Poundage, and other Impositions, not granted by parliament, is a breach of the fundamental liberties of this kingdom, and contrary to your majesty's royal Answer to our late Petition of Right: and therefore they do most humbly beseech your maj. to forbear any further receiving of the same; and not to take it in ill part from those of your majesty's loving subjects, who shall refuse to make payment of any such charges, without warrant of law demanded. And as by this forbearance, your most excellent maj. shall manifest unto the world your royal justice, in the observation of your laws; so they doubt not but hereafter at the time appointed for their coming together again, they shall have occsion to express their great desire to advance your majesty's honour and profit."

The King prorogues the Parliament in disgust.] The king being informed of these proceedings, thought proper to put a stop to them. Accordingly on the 26th of June, the day appointed for the prorogation, the Speaker was sent for to court in the morning; so that, as Rushworth says, he came not into the house till about nine o'clock. And, after prayers, whilst their new Remonstrance, concerning Tunnage and Poundage, being engrossed, was reading, the king sent for the Speaker and the whole house to attend him in the house of peers. His majesty had come unexpectedly into that house, (for the afternoon had been appointed) and neither the king nor the lords were in their robes: however, the commons, with their Speaker, being come up, his majesty, from the throne, made the following Speech to both houses.

"My lords and gentlemen; It may seem strange that I come so suddenly to end this session; therefore, before I give my assent to the bills, I will tell you the cause; though, I must avow, that I owe an account of my actions to God alone. It is known to every one, that, a while ago, the house of commons gave me a Remonstrance; how acceptable every man may judge; and for the merit of it, I will not call that in question, for I am sure no wise man can justify it.—Now, since I am well informed, that a second Remonstrance is preparing for me, to take away my profit of Tunnage and Poundage, (one of the chief maintenances of the crown) by alledging, That I have given away my right thereof by my Answer to your Petition: this is so prejudicial unto me, that I am forced to end this session some few hours before I meant it; being not willing to receive any more Remonstrances, to which I must give a harsh Answer. And, since I see, that the house of commons begin already to make false constructions of what I granted in your Petition; lest it be worse interpreted in the country, I will now make a Declaration concerning the true intent thereof.—The profession of both houses, in the time of hammering this Petition, was no ways to trench upon my prerogative; saying, 'They had neither intention or power to hurt it: therefore it must needs be conceived, that I have granted no new, but only confirmed the antient liberties of my subjects. Yet, to shew the clearness of my intentions, that I neither repent, nor mean to recede from any thing I have promised you, I do here declare myself, That those things which have been done, whereby many have had some cause to suspect the liberties of the subjects to be trenched upon, (which indeed was the first and true ground of the Petition) shall not hereafter be drawn into example to your prejudice; and, in time to come, on the word of a king, ye shall not have the like cause to complain. But as for Tunnage and Poundage, it is a thing I cannot want; and was never intended by you to ask; never meant I am sure by me to grant.—To conclude; I command you all that are here to take notice of what I have spoken at this time, to be the true intent and meaning of what I granted you in your Petition; but especially you, my lords, the Judges, for to you only, under me, belongs the interpretation of the laws; for none of the houses of parliament, joint or separate, (what new doctrine soever may be raised) have any power either to make, or declare, a law without my consent."

After this speech was ended, which, by his majesty's special command, was ordered to be entered in the Journals of the commons, the

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bill of Subsidy was presented by the Speaker, standing at the bar, who made a short speech, and shewed, 'That it was the greatest gift that ever was given in so short a time.' And so craving pardon for the errors of the house, and his own, he prayed the king to give his royal assent. Then were read the titles of other bills, which were all assented to; after which the lord-keeper, by the king's command, prorogued this parliament to the 20th of October next.

The most remarkable occurrences, which happened in the interval between these two sessions of this parliament, were, that the king first set about answering the desires of his subjects, in suppressing by proclamation all Dr. Manwaring's Sermons. By another proclamation, directions were given to commissioners to compound with Popish Recusants for two parts in three of their estates upon very easy terms. Another commanded that all priests, jesuits, and others, who had taken orders, by authority of the see of Rome, should be diligently sought for, apprehended, and committed to the gaol of that county where they should be found, &c.—About this time sir R. Weston, chancellor of the exchequer, was made a peer of the realm, and lord high treasurer of England: Dr. Laud was translated from St. David's to the bishoprick of London: and sir Tho. Wentworth created baron Wentworth; all three persons greatly concerned in the sequel of these enquiries. Dr. Montagu and Dr. Manwaring, both of whom had been censured by parliament, were pardoned by the king; the former was also preferred to the bishoprick of Chichester, and the latter presented to the rectory of Stanford Rivers in Essex, and had a dispensation to hold it with his rectory of St. Giles's in the Fields.—It was about this time, also, that another expedition was designed to relieve Rochelle, then straitly besieged by the French; and a fleet being prepared for that purpose to go under the conduct of the duke of Buckingham, that nobleman was stabbed suddenly to the heart by Felton. The circumstances of this murder are too well known to need any repetition here: the actor of it is averred to have said, * That it was the parliament's late Remonstrance against the duke that made him resolve to take him off, as a public enemy of his country.

The Parliament meet again.] Oct. 1. A Proclamation came out to prorogue the parliament, from the 20th of that month, to the 20th of January following, upon which day both houses met. The first thing the commons did, was to order a revival of all committees, on public affairs. A call of the house was, likewise, ordered, on the 27th.

The Commons' Inquiry relating to the Petition of Right.] January 21. The commons proceeded to take into consideration what things the Liberty of the Subject had been invaded in, against their Petition of Right, since the end of the last session of parliament. It was further ordered, that Mr. Selden, and others, should see, if the Petition of Right and his majesty's Answer thereunto, were inrolled in the parliament rolls and courts at Westminster, as his majesty sent them word, the last session, they should be (see p. 410); and also in what manner they were entered: which was done accordingly. And, soon after, Mr. Selden reported to the house, That his majesty's speech, made the last day of the last session in the upper house, was entered, along with the Petition and Answer, by his majesty's command.

Mr. *Pym* moved, 'That the debate hereof should be deferred till Tuesday next, by reason of the fewness of the house, many being not then come up.

Sir *John Elliot*. Since this matter is now raised, it concerns the honour of the house, and the liberties of the kingdom: It is true, it deserves to be deferred till a fuller house; but it is good to prepare things, for I find this to be a point of great consequence. I desire therefore that a select committee may both enter into consideration of this, and also how other liberties of this kingdom are invaded. I find, in the country, the Petition of Right printed indeed, but with an Answer that never gave any satisfaction. I desire a committee may consider thereof, and present it to the house; and that the printer may be sent for to be examined about it, and to declare by what warrant it was printed:' which was so ordered.

Mr. *Selden*. 'For this Petition of Right, it is known how lately it hath been violated since our last meeting. Our liberties for life, person, and freehold, how have they been invaded? Have not some been committed contrary to that Petition? Now we know this invasion, we must take notice of it. For liberties in estate, we know of an order made in the exchequer, That a sheriff was commanded not to execute a replevin: and men's goods are taken away, and must not be restored. And also, no man ought to lose life or limb, but by the law: and hath not one lately lost his ears? [Meaning he that was censured in the Star-Chamber by an arbitrary judgment and sentence.] Next they will take away our arms, and then our legs, and so our lives. Let all see we are sensible of this; customs creep on us: let us make a just representation thereof to his majesty.'

The king's printer being sent for, to know by what authority he suppressed the first impression of the Petition of Right, and printed another with an Addition, he answered, He was sure he had a warrant for it; but remembered not, whether it came immediately from the king, or from the lords. Upon which Mr. Selden, and 4 other members, were ordered to go home with the printer, and inform themselves of the warrant; to take a copy of it, and report the same to the house the next morning.—Accordingly, next day, Mr. Selden reported, 'That they had examined Mr. Norton

* See Sanderson's Life of Charles I.

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and Mr. Bill, the king's printers, and found that the clerk of the house of lords had sent to them the original Petition of Right, with the king's second Answer to it (p. 409). That, during the sitting of parliament, they had printed about 1500, of which few were divulged. That the day after the session was ended, Mr. Attorney sent for Mr. Bill to his chambers, and told him, as by his majesty's own command, That these should not be published; and that the lord privy-seal (the earl of Worcester) told him as much. That soon after he was sent for to court, where Mr. Attorney told him, He must print the Petition of Right with the first Answer (p. 377) to it and his majesty's last Speech. These were given in several papers, strangely fastened together, and upon the last a warrant.

Then a question arising, Whether these papers should be sent for? it was carried in the affirmative; and that the printers should bring them along with the warrant the next morning. But this affair was put off the next day, to another time, and from thence we hear no more of it.

Complaint of Mr. Rolles.] Another but severer scrutiny was made by the commons, on the Complaint of Mr. Rolles, a merchant and a member of that house, That his goods were seized by the officers of the customs, for refusing to pay the rates by them demanded; although he told them, what was adjudged to be due by law he would pay them.—The editors of the 'Parliamentary or Constitutional History of England' inform us, "that the further proceedings on this affair, and other matters which happened in this short session of parliament, were published in the year 1707, from an account taken and collected by sir Tho. Crew, knt. father to John lord Crew. This gentleman had been Speaker of the last parliament of king James, and the first of king Charles, was a serjeant at law, and a person very eminent in his profession. His account, being much fuller than is represented in Rushworth, or any other writer, we shall chiefly follow; comparing it with the Journals of the Commons, the Historical Collections, and, what are still more curious, two Manuscripts of an equal date with these times.—In the preface to sir Tho. Crew's Collection, it is said to be offered to the perusal of the public 'without any diminution, addition, remarks or application, (marginal references excepted) by his grandson John Parkhurst, esq.' but upon comparing it with the above mentioned Manuscripts, it appears that several speeches and material passages are omitted: such are properly distinguished in their order. From all these authorities we shall be able to give an exact and authentic account of this session, more remarkable than any which hath yet happened in the whole course of theseenquiries."—But before we go on to this, it will be necessary to look a little into the proceedings of the lords during this period. Appeals from chancery, and some breaches of privilege employed their time most part of this session. In the latter affair, the most remarkable was this:

The Lords resent the conferring of Scots and Irish Honours upon English Gentlemen.] Feb. 9. A motion was made in the house of lords, that 'Whereas divers Englishmen having obtained degrees of honour, as of earls, viscounts, and barons, within the kingdoms of Scotland and Ireland, and thereby do pretend to have place and precedency, in all commissions and meetings, above the peers of this realm; the house was to consider how this wrong might be redressed, either by an act of parliament to be passed by both houses, or by an humble Petition from them to the king; or by a joint protestation of the house against it.' A committee being appointed to take this affair immediately into consideration, they agreed on the following Proposition:—'We conceive that no foreign nobility have any right of precedency, within the realm of England, before any peer of this kingdom: yet, notwithstanding, by courtesy, precedency hath been allowed to noblemen of foreign kingdoms, according to their ranks, which it is no way our intention to alter. But in regard that, of late, many Englishmen, both by birth, estate, and abode, and the more considerable because of their great number, have had several honours in the kingdoms of Scotland and Ireland, conceived to be very disserviceable to his majesty, and prejudicial to the peers: that which the committee do, in humility, offer unto the house, is to consider what course is the fittest to be taken for applying to his maj. for remedying and redressing of this inconveniency.' Agreed unto by the whole house. Accordingly the following Petition was presented to the king for that purpose:

"A Petition by the Lords concerning the Precedency of the late created Barons, Viscounts, and Earls of Scotland and Ireland.

"To the king's most excellent majesty; In all humility, shew unto your most excellent maj. your ever loyal subjects, the lords spiritual and temporal now in parliament assembled, That whereas the peers and nobility of this your realm of England, have heretofore used in courtesy, to afford precedency, according to the several ranks and degrees, to such of the nobility of Scotland and Ireland, as being in titles of honour above them, have, upon occasion, resorted hither, or remained here in your majesty's service; which we are most willing should be still observed, as a civility tending to the great honour of our nation:—Now, divers of the natural-born subjects of this kingdom, who, both themselves and their families, do reside and have their chief estates and possessions amongst us, having of late been created, some barons, some viscounts, and some earls, within these your kingdoms of Scotland and Ireland, do, by reason thereof, claim, as of right, to take place, and to have precedency of the peers and nobility of England, and their children, within this realm; which we conceive

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doth not belong unto them by any grant from your maj.; and tends both to the disservice and prejudice of your maj. and your realms, and to the great disparagement of your English nobility, as by the reasons hereto annexed may appear.—We therefore beseech your maj. of whose tender care to preserve the antient honour and dignity of your nobility we are throughly persuaded; that, your majesty's wisdom and goodness being so extraordinary, you will be pleased, according to the example of the best of princes and times, upon the consideration of the manifold inconveniences, which practice and observation of circumstances have brought to light, being represented unto your maj. by the nearest body of honour unto you, and nearest concerned in this, and offered with as much faith and humility as they can devise; for the avoiding of all debate and contention, which, upon this occasion, may arise either for the present or future, that some course and order may be timely settled therein by your princely wisdom, as that thereby the inconvenience of your majesty's service may be prevented: and that the prejudice and disparagement of the peers and nobility of this kingdom may be redressed."

"The Reasons alledged by the Lords.

1. "We hold it to be new, and not warranted by any ancient precedents, that subjects of this kingdom, whose habitations, estates, and possessions are principally within this your majesty's realm, should have titles of honour in other kingdoms, where they have small or no estates, and do not abide. 2. That it may be cause of great discontentment to your majesty's subjects in Ireland, that so great a number of those, who have no estates to oblige them to the defence of that kingdom, should give voices in parliament, there to make laws. As also it may be great danger to that country, if times of hazard should come. Which weighty considerations have wrought so far with your majesty's royal predecessors and the whole estate, that an act of parliament was passed, which took away great estates of land in Ireland from some of the noblest families in this kingdom, only in contemplation that their want of residence there upon their lands might endanger that kingdom. 3. That it is a great disservice to your maj. and this country, that those who live amongst us, should, by foreign titles, exempt themselves from those services of trust and charge, which others of as good birth and estate here undergo daily; whereby it happeneth often, that either persons of good quality are more frequently burdened, or the charge falls upon them of meaner condition and less ability; not without prejudice to the service, and discontentment to the persons that undergo it, as also of loss to your maj. and grief to your subjects in those places where the honours are given. That although they draw to your maj. creation-money, yet they do not help nor assist there to any necessary charge or contribution. 4. That it is conceived to be contrary to the fundamental laws of these kingdoms, that any should be invested with an hereditary honour, where he hath not an estate both to oblige him and his to the care and defence of that kingdom; and make himself by that responsible to the justice of that place where his person is privileged; and of great grief to your faithful nobility of this realm, (who have yielded, out of civility and courtesy, to strangers) that they should be disturbed in those ranks and degrees, which the grace of princes, grounded upon merits, long time have settled them in, by others of their own nation of meaner quality; in whom no other cause appears but ambition to precede others, without ground of merits or estate to warrant it in these places, where they have sought title; it being a great diminution to your nobility and their children, and the antient gentry of this kingdom. 5. That honour, both in the nature of itself, and practice of former times, being atchieved, principally, by virtue and desert; and it being one of the chiefest marks by which the best of princes made impression thereof to descend, hereditarily, in the most deserving families, which was, by generous spirits, esteemed above all other rewards: we leave it unto your majesty's prudent consideration of how great inconvenience it is to alter or lessen the value of that reward; which was of so much honour, and no charge unto your maj. and of so great contentment and ease unto your people: which may be demonstrated in many particulars too long now to rehearse.—Further, we hold it in no small degree derogatory to the very foundation of nobility itself, which is the stop and circle that compasseth the royal throne, that those who bear a title, and claim its precedency before many of us, should fall so low in the people's eyes and esteem, as to be daily subject to arrests of their persons, and all other circumstances of disrespect, which the meanest subjects undergo, being in the eye of the law but commoners.—To conclude: this our cause of grief, being, in our opinion, as to the practice of it, new and unusual; in the consequence not without danger and discontentment to your realm, and subjects of all degrees; in the nature of it contrary to the foundation of the grounds of honour laid in this kingdom; and the whole course of it breeding ill effects to the service of your majesty and the public; disvalue and contempt to nobility itself, which is the degree interposed immediately betwixt your maj. and your people: we can no where so justly appeal as to your maj. the fountain of honour, for a timely remedy against this great and growing inconveniency for the present and future. And as your majesty's honour is equally concerned in this with the interest of your kingdoms and subjects; so we doubt not, but it shall appear to the world, that your maj.'s gracious care is to reduce and maintain your nobility in their antient lustre; which shall equally tend to your majesty's service and happiness, and to our own contentment."

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Feb. 19. The lord-keeper reported the king's Answer to the above Petition, to this effect: "That the matter was of weighty consequence; and as their lordships had sat some days to prepare the same, so he would take some time to consider of an Answer to it. That the form of the Petition and manner of delivering of it was such, as he could not but interpret well of their lordships proceedings; yet he must say that it is easier to prevent an inconveniency, than redress it when it has happened."—It is probable that the disagreement then arising between the king and the house of commons, which occasioned the sudden dissolution of this parliament, was also the reason why no further Answer was given to this Petition; for we meet with no more about it. And nothing else of any consequence happening in the upper house this session, we shall pass on to the transactions of the commons.

Complaint of seizing the Goods of a Member for refusing to pay Tonnage.] Feb. 10. The aforesaid Complaint respecting the seizing of Mr. Rolles's goods, having been made to the house,

Sir *Robert Philips* got up and said, 'By this information you see the misfortunes of these times, and how full time it was for this assembly to meet to serve his maj. and preserve ourselves; and I am confident we came hither to do both; and may all we shall do conduce to an happy end and conclusion, to the king's honour and our own safety! Great and weighty things wound deep; cast your eyes which way you please, you may see violations upon all sides: look on the liberty of the subject; look on the privilege of this house; let any say, if ever he read or saw the like violations by inferiour ministers that overdo their commands. They knew the party was a parliament-man: nay, they said, if all the parliament was in him, this they would do and justify, meaning the denial of the replevin. If we suffer the liberty of the house to wither, out of fear or compliment, we shall give a wound to the happiness of this kingdom. Here the course of justice was interrupted: order was made in the exchequer for the stay of the goods; and since there is a seizure, upon the approach of parliament, of goods amounting unto 5000*l.* for pretended duties of 200*l.* In the 1st of king James, by reason of the sickness, that then was, the parliament was prorogued; and then there was some boldness to take Tonnage and Poundage; yet, after, we questioned the men that demanded it, for there was no right to demand it. Let us proceed with perseverance in our duties to make up breaches: let a committee be appointed to consider of these duties.'

Mr. *Littleton*. 'We have had good admonitions, and we have followed them. We have had moderation preached to us in parliament, and we follow it. I would others did the like out of parliament. Let the parties be sent for that violated the liberties of parliament, that they may have their doom.' [This speech was occasioned by Secretary Cooke, who had desired moderation might be used.]

Sir *John Elliot*. 'I see by this relation what cause we have to be tender of the liberty of the kingdom, [and of this house] * and yet withal to retain that moderation, as to give satisfaction to the world that our hearts are fixed to serve his maj. and to free us from all jealousy. Three things are involved in this complaint. 1. The right of the particular gentleman. 2. The right of the subject. 3. The right and privilege of the house. Let the committee consider of the two former; and for the violation of the liberties of this house, let us not do less than our forefathers. Was ever the information of a member committed to a committee? Let us send for the parties: is there not here a flat denial of the restitution of the goods? Was it not also said, 'That if all the parliament were contained in him, they would do as they did? Let them be sent for.'—It was hereupon ordered that the officers of the custom-house be sent for.

Then Mr. Selden reported from the committee concerning the printing of the Petition of Right, 'That there were 1500 copies printed without any Addition at all, which were published in the time of the last parliament; other copies have been printed since with additions, the former suppressed and made waste paper; which the printer did, as he said, by the command of Mr. Attorney, which he received from his maj. And the printer further said, That Mr. Attorney was with the lord privy-seal at Whitehall, and there the said lord delivered to the printer papers with divers hands to them; and on the backside were indorsed these words, 'We will and command you that these copies be printed.'

The King's Speech on that Occasion.] Jan. 23. A Message was brought by Secretary Cooke from the king to the lower house: viz. "Whereas there hath been debate in this house concerning the seizure of Merchants Goods by his maj.'s officers and ministers: his maj. willeth that any further debate or proceedings, in that case, may be forborn till to-morrow at 2 of the clock in the afternoon; when his maj. is resolved to speak with both houses in the Banqueting house at Whitehall; and hereof we are to take notice."—The king's Speech was as follows:

"My lords and gentlemen; The care I have to remove all obstacles that may hinder the good correspondency, or cause a misunderstanding betwixt me and this parliament, made me call you hither at this time, the particular occasion being a Complaint lately moved in the lower house.—For you, my lords, I am glad to take this and all other occasions, whereby you may clearly understand both my words and actions; for as you are nearest in degree, so you are the fittest witnesses for kings.—The complaint I speak of, is for staying Men's Goods that deny

* The passages in crotchets [ ] are supplied from the MSS. before mentioned. There are also several corrections passim, too minute to be particularized.

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Tonnage and Poundage. This may have an easy and short conclusion, if my words and actions be rightly understood: for, by passing the bill as my ancestors have had it, my by-past actions will be concluded, and my future proceedings authorized: which certainly would not have been struck upon, if men had not imagined, that I had taken those duties as pertaining unto my hereditary prerogative, in which they are much deceived; for it ever was, and still is my meaning, by the gift of my people to enjoy it; and my intention in my speech at the end of the last session, was not to challenge Tonnage and Poundage as of Right, but de bene esse; shewing you the necessity, not the right, by which I was to take it, until you had granted it unto me: assuring myself, according to your general professions, that you wanted time and not goodwill to give it me.—Wherefore, having now opportunity, I expect that, without loss of time, you make good your former professions; and so, by passing the bill, to put an end to all questions arising from this subject, especially since I have removed the only scruple that can trouble you in this business.—To conclude: let us not be jealous one of the other's actions; for, if I had been easily moved at every occasion, the order made in the lower house, on Wednesday night last, might have made me startle: there being some shew to suspect, that you had given yourselves the liberty to be the inquisitors after complaints, the words of your order being somewhat too largely penned: but, looking into your actions, I find you only hear complainers, not seek complaints; for I am certain you neither pretend nor desire to be inquisitors of men's actions before particular complaint be made.—This I have spoken to shew you how slow I am to believe harshly of your proceedings; likewise to assure you, that the house's Resolutions, not particular men's speeches, shall make me judge well or ill; not doubting but, according to my example, you will be deaf to all ill reports or rumours concerning me, until my words and actions speak for themselves: that so this session beginning with a confidence one towards another, it may end in a perfect and good correspondency between us, which God grant."

Jan. 26. Mr. Waller informed the house of divers ships laden with Corn for Spain and other enemies countries: whereupon a committee was appointed about the trading into Spain and other Enemies Countries, and concerning the transporting Corn and Munition thither. It was thereupon ordered, that some of the privy-council should move the king about the stay of the said ships.

Debate on Grievances in Religion.] Mr. Secretary Cooke moved, 'That the bill of Tonnage and Poundage might be read: but, after some debate, it was diverted; and then the house fell upon point of Religion.'

Mr. *Sherland* said, 'We have a religion that is worth the loving with all our hearts. It was sealed with the blood of martyrs and kept by miracles; and now to have our noses wip'd of this would grieve any heart; much more to see our religion quite taken away; designs daily made on it; and Arminianism still to increase as it doth, it maketh me not a little to admire. I am persuaded that the greater part of the nobility, clergy, and gentry are firm; but it is the desires of some few that labour to bring in a new faction of their own; and so they drop into ears of his majesty, that those that oppose them, oppose his maj. putting him upon designs that stand not with publick liberty; and tell him, that he may command what he listeth, and do as he pleaseth with our goods, lives and religion; whereby they have involved all good true-hearted Englishmen and Christians under the name of Puritans, and make their quarrels to be his majesty's; which is treason in the highest degree and quality.'

Mr. *Rouse.* 'We have of late entered into consideration of the Petition of Right, and the violation of it, and upon good reasons; for it concerns our goods, liberties and lives; but there is a right of an higher nature that preserves us far greater things, even the Eternal life, our souls, yea our God himself; a right of religion derived to us from the King of Kings, confirmed to us by the kings of this kingdom, and enacted by laws in this place, streaming down to us in the blood of the martyrs, and witnessed from heaven by miracles, even miraculous deliverances: and this right, in the name of this nation, I this day claim and desire that there may be a deep and serious consideration of the violations of it. I desire, first, it may be considered what new paintings are laid on the old face of the Whore of Babylon, to make her more lovely, and to draw more suitors to her. I desire that it may be considered how the see of Rome doth eat into our religion, and fret into the banks and walls of it, I mean the laws and statutes of this realm; especially since those laws have been made, in a manner by themselves, even by their own treasons and bloody designs; and since their popery is a confused mass of errors; casting down kings before popes; the precepts of God before men's traditions: and living and reasonable men before dead and senseless stocks and stones.—I desire that we may consider the increase of Arminianism, an error that maketh the grace of God lackey it after the will of man; that maketh sheep to keep the shepherd, and makes mortal seed of an immortal God. I desire that we may look into the very belly and bowels of this Trojan Horse, to see if there be not in it men ready to open the gates to Romish tyranny and Spanish monarchy: for an Arminian is the spawn of a Papist; and if there come the warmth of court-favour upon him, you shall see him turned into one of those frogs that arise out of the bottomless pit.—And if ye mark it well, you shall see an Arminian reaching out his hand to a Papist; a Papist to a Jesuit; a Jesuit gives one hand to the Pope, and the

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other hand to the king of Spain: and these men having kindled fire in our neighbours country, have now brought over some of it hither to set on flame this kingdom also.—Yet let us further search and consider the men that broke in upon the goods and liberties of this kingdom; for by this means they make way for the taking way of our religion.—It was an old trick of the Devil, when he meant to take away Job's religion; he begins at his goods, 'lay thy hand on all he hath, and he will curse thee to thy face.' Either they think hereby to set a distaste between prince and people, or to find some other way of Supply to avoid or break off parliaments, that so they may break in upon our religion, and bring in their own errors.—But let us do as Job did; he held fast his religion, and then his goods were restored to him with advantage: and if we hold fast our religion, these things shall be added unto us. Let us consider the time past, how we flourished in honours and abundance, when religion flourished amongst us; but as religion decayed, so the honour and strength of our nation decayed: when the soul of the common-wealth is dead, the body cannot long over-live it.—If a man meet a dog alone, the dog is fearful, though never so fierce by nature; but if the dog have his master with him, he will set upon that man, from whom he fled before. This shews that lower natures, being backed by higher, increase in courage and strength; and certainly man, being backed with Omnipotency, is a kind of omnipotent creature. All things are possible to him that believeth; and where all things are possible, there is a kind of omnipotency. Wherefore, let it be now the unanimous consent and resolution of us all, to make a vow and covenant, from henceforth to hold fast our God and our religion; and then shall we from henceforth certainly expect prosperity in this kingdom and nation; and to this covenant let every one say, Amen.'

Mr. *Kirton*. 'This business that we have in hand concerning our Religion is of dangerous consequence, if it be not strictly looked into. I think no man that sits here but is sensible in what danger it now stands, if this honourable house doth not find some present remedy for it. It is apparent to every man, that new opinions are brought in by some of our churchmen, to disturb the peace that our church was formerly in; the meaning of it can be no other than to bring in the Romish religion amongst us: for it hath been ever a Jesuitical policy, first to work a disturbance, then afterwards a change. We must seek the cause; I shall freely speak my opinion, That this proceeds from the ambition of some of the clergy that are nigh his majesty; for it is well known, that the church of Rome at first, and that which we now profess, were all one; and then the ambition of the clergy begot and brought in all these differences that are now amongst us. The highest dignity that they can attain unto here in England is an archbishop; but a cardinal's cap is not here to be had. I believe some of them affect that too well, and in some we see the effects; how they change their opinions for advancement, and they will turn white into black, and black into white.—This being so, our endeavours must be to take away the root, and then the branches will decay of themselves. It is not the calling in of the "Appeals to Cæsar" that will do it.* for if they can get bishopricks by writing such books we shall have many more that will write books in that kind. It behoves us all, every man, according to his best ability, to employ himself for the search of these things, that we may find out the matter and the men; that we may present them and the dangers that this kingdom stands, in by them, to his majesty; and for my part, I, as God shall enable me, will do my best herein.

Jan. 27. The debate was resumed, when Mr. *Pym* spoke as follows: 'The hinderances of religion are to be enquired after, and redress to be therein taken. There are two diseases, the one old, the other new. The old, Popery. The new, Arminianism. There are 3 things to be enquired after concerning Popery. 1. Of the cessation of the execution of the laws against Popery. 2. How the Papists have been employed and countenanced. 3. The late bringing in of superstitious rites and ceremonies amongst us. For Arminianism, be advised, 1. That a way may be opened for the Truth. 2. That by the articles set forth in 1552; and by the catechism set forth in Edw. 6.'s days; and by the writings of Peter Martyr, Martin Bucer, Wickcliffe, and others; and by the constant profession sealed by the blood of so many martyrs, as Cranmer, Ridley, and others; and by the 39 Articles set forth in queen Elizabeth's time; and by the Articles set forth at Lambeth, as the doctrine of the church of England; which king James sent to Dort and to Ireland, as the truth professed here. Lastly, By his majesty's Declaration and Proclamation to maintain unity in the settled religion, as appears by his proclamation, and other courses tending that way; which are perverted and abused to the ruin and subversion of religion, which breed a fear of innovation: as also by the preferments which such have received since the last parliament, who have heretofore taught contrary to the truth. Then consider again for what overt act those men have been countenanced and advanced, what pardons they have had for false doctrines, what manner of preaching hath been lately before the king, what suppression of books that have been written against their doctrines, and what permitting of such books as have been written for them.—The ways propounded for remedy, it is the duty of the parliament in general, and of each Christian in particular, to follow: and howsoever it is alleged, that the parliament are not judges in matters of faith, yet ought they

* Alluding to a book, called, 'Appello Cæsarem,' written by Dr. Montagu, who about this very time was made bishop of Chichester, See p. 6. of the present volume.

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to know the established and fundamental truths, and the contrary to them; for parliaments have confirmed acts of general councils, which have not been received until they have been so authorized; and parliaments have enacted laws for trial of heretics by juries. The parliament punished the earl of Essex for countenancing of heretics, and there is no court can meet with these mischiefs, but the court of parliament. The convocation cannot; because it is but a provincial synod, only of the jurisdiction of Canterbury; and the power thereof is not adequate to the whole kingdom; and the convocation of York may, perhaps, not agree with that of Canterbury. The high commission cannot; for it hath its authority derived from parliament, and the derivative cannot prejudice the original; the judgment of the parliament being the judgment of the king and of the three estates of the kingdom.'

Sir *F. Seymour.* 'If Religion be not a rule to all our actions, what policy can we have? If God fight not for us and in our battles, the help of man is in vain. The cause of our defeats is our defects in religion, and the sins of idolatry and popery. Papists increase more now than ever, neither do they want their priests and masses: nay, his majesty's name is used to stop proceedings against papists, and that since the last parliament; contrary to his majesty's goodness and public professions, nay, to his own proclamations and instructions to the judges; and whatsoever is done in the country is undone above.'

Sir *R. Philips.* 'I hold myself much bound to those gentlemen that first set this on foot; if any man be so zealously transported in this, it is for his religion, let that excuse him. Two sects are damnably crept in to undermine king and kingdom, if not now prevented; the one antient, Popery; the other new, Arminianism. What misery befel the Jews when they broke their peace with God? What hath blasted our designs since these heresies crept in? Have we not still turned the back upon our enemies? I am afraid that God sitteth in the council of our enemies against us. Doth not God plague us with enemies abroad and destruction at home? We are become the most contemptible nation in the world: are not our miseries and our crosses daily increased? With grief do I express that fatal perishing of the late hopeful prince of Bohemia: let us humble ourselves before God, by fasting and prayer, that we may bring him again into England to go before our armies, and that God may crown our actions and bless our counsels.'

The same day a Petition was exhibited against one Lewis, that, about the 25th of Dec. last, he said, 'The Devil take the parliament;' which was avowed by two witnesses: and though it was spoken out of parliament, yet it was resolved to be an offence unto the parliament, and it was ordered he should be sent for.

The Petition of both Houses for a Fast.] Sir N. Rich tendered a Petition concerning the Fast; whereupon it was ordered, That a conference should be desired with the lords about the Petition for a Fast, who desired to join with the lower house; and thereupon it was preferred to the king accordingly, by the abp. of York, in the name of both houses; viz.

"Most gracious sovereign; It is the hearty and earnest desire of us your most dutiful subjects, the lords spiritual and temporal, and commons in this present parliament reassembled, that this our meeting may be abundantly blessed with all happy success in the great affairs of church and state, upon which we are to consult; and that by a clear understanding, both of your majesty's goodness to us, and our faithful and loyal hearts to your person and service (all jealousies and distractions, which are apparent signs of God's displeasure and of ensuing mischief, being laid aside and removed) there may, in this session, and for ever, be a perfect and most happy union and agreement between your maj. and all the estates of this your realm; but humbly acknowledging, that neither this nor any other blessing can be expected without the special favour of Almighty God; and having (upon the observation of the continued and increasing miseries of the Reformed Churches abroad, whose cases with bleeding hearts we do commiserate; as likewise of the punishments already inflicted, and which are likely in great measure to fall upon ourselves) just cause to conceive, that the Divine Majesty is, for our sins, exceedingly offended with us. We do in this, and other pious respects, most dear sovereign, humbly beseech your most excellent maj. that by your royal command, not only ourselves, but all the people of this your kingdom may be speedily enjoined, upon some certain day, or days, by your maj. to be prefixed, by public fasting and prayer, to seek reconciliation at the merciful hands of Almighty God; so as the prayers of your whole kingdom, joined with your majesty's princely care, and the faithful and hearty endeavours of this great council now assembled, may procure glory to Almighty God in the preservation of his true religion, much honour to your majesty, prosperity to your people, and comfort to all your maj.'s friends and allies."

The King's Answer.] To this the king gave the following Answer: "My lords and gentlemen; the chiefest motive of your Fasting, being the deplorable estate of the reformed churches abroad, is but too true; and our duty, so much as in us lieth, is to give them all possible help: yet certainly fighting will do them more good than fasting. Though I do not wholly disallow the latter, yet I must tell you, that the custom of fasting every session is but lately begun; and I confess I am not fully satisfied with the necessity of it at this time; yet to shew you how smoothly I desire your business to go on eschewing as much as I can questions or jealousies, I do willingly grant your requests herein; but with this note, That I expect that this shall not hereafter be brought into a precedent for frequent fasts, except upon great occasions; and, for the form and time, I

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will advise with my lords the bishops, and then send a particular answer to both houses."

Mr. Pym came from the committee for religion, and made a motion about the Remonstrance of last session, concerning that part which toucheth Religion. And the clerk of the house answered, That, by command from the king, he delivered it to the lord privy-seal, And so the committee proceeded no further therein.

The King's Message to hasten the Bill of Tunnage.] Mr. Secretary *Cooke* delivered a Message from the king, "That his majesty, understanding that the Remonstrance was called for, to take away all questions, commanded him to deliver it to the house: but hopeth you will proceed with Tonnage and Poundage, and give precedency to that business, to give an end to further dispute between him and some of his subjects; or else he shall think his speech, that was with good applause accepted, had not that good effect he expected." Here

The Commons proceed with religious Grievances.] Sir *Walter Earle* made a speech upon the occasion of Mr. Secretary Cooke's declaring, "That his majesty expected that the house should give his business the precedency," as followeth:—'I am of the number of those, that, at our last meeting, thought the time best spent in vindicating those rights and liberties of the subject, which had formerly been impeached and were then in most imminent danger; and in that respect thought it not amiss to postpone, for a while, the business of Religion, as a thing that rather concerned the well-being, than the being itself of this kingdom and commonwealth; religion without the commonwealth, being as an accident without a subject, or a soul without a body. Now give me leave to tell you, that religion offers itself to your first consideration at this time, challenging to herself the right of precedency, and the employment of our best endeavours; that as it was then, 'ubi dolor ibi digitus,' it may be now, 'ubi amor ibi oculus.' But let no man mistake me, as if I were less sensible of the violations of the subjects liberties (even since the last session) than any man else that sits here, whosoever he be. No, I know full well, that the cause of justice is God's cause, as well as the cause of religion: but what good will those rights and liberties do me, or any man else, that resolves to live and die a protestant? Nay, what good will they do any man, of what religion soever he be, that resolves to live and die a freeman, and not a slave; if Popery and Arminianism, joining hand in hand as they do, be a means, together with the Romish hierarchy, to bring in a Spanish tyranny amongst us; under which those laws and liberties must of necessity cease?—In the point of Religion, you see what hath been done since the last session; what declarations have been made; what persons advanced; what truths established; nay, laws confirmed by synods, national and provincial, have been called in question, and that in such a manner, as the like before hath scarce been heard of. Well, how others stand affected, I know not; but, for my own part, that which for an undoubted truth I have from the church of England heretofore received, that will I stand to; and forego my estate, my liberty, yea, my life itself, rather than forego it.—As for passing of bills, settling revenues, and the like, without settling Religion, I must confess I have no heart to it: take away my Religion, you take away my life; and not only mine, but the life of the whole state and kingdom. For I dare boldly say, never was there, in the point of subsistance, a more near conjunction between matter of religion and matter of state, in any kingdom in the world, than there is in this kingdom at this day. Therefore let this that I say sink a little into your consideration? and let me put you in mind of a saying worthy to be considered, that 'humana consilia castigantur, ubi cœlestibus se præferunt,' when human counsels thrust themselves in before divine, a thousand to one but they are severely punished. But, if we hold ourselves to this method by me now proposed unto you, doubtless that God which, beyond our expectations, brought us through those main difficulties the last session, will not be wanting to us in this particular, that so much concerns his own glory: however, let us do our endeavours, and leave the success to him. The sum of all that I have said unto you is this; of all the businesses that are now before you, whatsoever they be, let Religion have the precedency.'

Mr. *Coriton.* 'Let us not do God's business negligently: we receive his maj.'s message with all duty; for our proceedings, let us so proceed, as may soonest conduce unto his maj.'s desires. Religion concerneth the king as well as us. The unity of this house is sweet, especially in God's cause. Let us try, and try again for this: let us be resolved into a committee, and presently debate thereof.

Sir *John Elliot.* 'Sir, I have always observed in the proceedings of this house, our best advantage is in order; and I was glad when that noble gentleman, my countryman, gave occasion to stay our proceedings; for I feared it would have carried us into a sea of confusion and disorder. And now having occasion to present my thoughts to you in this great and weighty business of Religion, I shall be bold to give a short expression of my own affection; and in that order, that, I hope, will conduce best to the effecting of that work, and direct our labour to an end. To enter, sir, into a particular disquisition of the writings and opinions of divines, I fear it will involve us in a labyrinth that we shall hardly get out of; and perchance hinder that way, and darken that path in which we must tread. Before we know what other men have declared, it is necessary that we should presently lay down what is truth. And, as I presume, we came not hither to dispute of Religion, far be that from the thoughts of that church that hath so long time confessed

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it, now to dispute it. Shall posterity think we have enjoyed our religion fourscore years almost, and are we now doubtful of the defence? God forbid. It may be, sir, and out of some things lately delivered I have not unnecessarily collected, that there is a jealousy conceived, as if we meant so to deal with matters of faith, that did not perhaps belong unto us, as to dispute of matters of faith. It is our profession; this is not to be disputed, neither will that truth be receded from this long time held; nor is that truth decayed; it is confirmed by parliament, because it was truth. And this, sir, before I come to deliver myself more particularly, give me leave, that have not yet spoken in this great cause, to give some apprehension I have of fear; for it is not in the parliament to make a new religion, neither, I hope, shall it be in any to alter the body of that truth which we now profess. I must confess, sir, amongst all those fears we have contracted, there ariseth to me not one of the least dangers in the Declaration, which is made and published in his majesty's name; and yet, sir, this conclusion, exclusively let me say, that I may not be mistaken, whatever in this, or other things, shall appear to make mention of his majesty, we have not the least suspicion of jealousy of him. We have that comfort in his piety and goodness, as if there be any misprision or error, I hope it is by those ministers about him: which not only he, but all princes are subject unto.—And to clear this, that princes are subject to misinformation, and many actions may be justified in their names, when there is no suspicion of it to be done by themselves; give me leave to look back into precedents of other times, and what I find written in those stories may be useful in this. Antiochus, of Asia, sent his letters missive to his provinces, &c.: that if they received any dispatches in his name not agreeable to justice, Ignoto se literas esse scriptas, ideoque eis non parerent,' as I find by Plutarch of the Great Antiochus of Asia, who saith, That princes are obnoxious to abuses of ministers, and it could not at all times be prevented; and therefore he sent messengers and letters to all his provinces, that if there were any letters or dispatches sent out in his name, that came to them, that were not warrantable by law, and agreeable to justice, it should not be conceived to be done by him; and therefore they should not give way to it. Sir, I find it in another book, and I beseech you let it be rightly apprehended, for I hope I shall be clear from misprisions; Gratian did not only note and confess the same, but added the reasons also; which the masters of the civil law can testify from their books, wherein it is thus expressed, 'Quid, inverecunda potentium instigatione, principes sæpe trahuntur ut non concedenda concedant.' 'Because that many times, with the importunity of ministers and those about them, princes are drawn to grant things not fit to be granted by them.' As it was in that, so it may be in this. I speak it to this end, to draw it to this conclusion, That if there be any thing that carrieth the title of his maj. it may be the fault of his ministers; far be it from me to have suspicion of him. And now to that particular, in that Declaration; wherein, I confess, with me, is an apprehension of more fear than I have of all the rest; for in the last particulars we heard what is said of Popery and Arminianism. It is true our faith and religion is in danger; but it is by degrees. Here, sir, like an inundation, it doth break in at once, that we are in danger to be ruined and overwhelmed; for, I beseech you mark, the ground of our religion is contained in these Articles. If there be any difference of opinions, concerning the sense and interpretation of them, the bishops and clergy, in convocation, have a power admitted to them to do any thing which shall concern the continuance and maintenance of the truth professed; which truth being contained in these Articles, and these Articles being different in the sense, if there be any dispute about that, it is in them to order which way they please: and for ought I know, Popery and Arminianism may be a sense introduced by them, and then it must be received. Is this a slight thing, that the power of Religion must be drawn to the persons of those men? I honour their profession and honour their persons; but give me leave to say, the truth we profess is not men's, but God's; and God forbid that men should be made to judge of that truth. Look upon the conclusion they have made, and from thence I draw their argument. I remember a character I have seen in a diary of Edw. 6. that young prince of famous memory, wherein he doth express the condition of the bishops and clergy in his time, and saith, under his own hand-writing, 'That some for sloth, some for ignorance, some for luxury, and some for popery, are unfit for discipline and government.' Sir, I hope, it is not so with us: nay, give me leave to vindicate the honour of those men, that openly shew their hearts to the truth. There are amongst our bishops such as are fit to be made examples to all ages, who shine in virtue, like those two faithful witnesses in Heaven, of whom we may use that eulogy which Seneca did of Caius; that to their memories and merits, 'Nec hoc quidem obstet quod nostris temporibus natisint,' and to whose memory and merit I may use the saying, That the others faults are no prejudice to their virtues; who are so industrious in their works, that I hope posterity shall know there are men that are firm for the truth. But, sir, that all now are not so free, sound and orthodox in religion as they should be, witness the men complained of; and you know what power they have: witness those men nominated lately, Mr. Montague, &c. I reverence the order, I honour not the man: others may be named as bad. I apprehend such fear, that should it be in their power, we may be in danger to have our whole religion overthrown. But I give this for testimony, and thus far do express myself against

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all the power and opposition of these men; or whensoever any opposition shall be, I trust we shall maintain the religion we profess, for in that we have been born and bred; nay, sir, if cause be, in that I hope to die. Some of these, sir, you know are masters of ceremonies, and they labour to introduce new ceremonies in the church. Some ceremonies are useful: give me leave to join in one that I hold necessary and commendable, That at the repetition of the Creed we should stand up to testify the Resolution of our hearts, that we would defend that Religion we profess; and in some churches it is added, that they did not only stand upright with their bodies, but with their swords drawn: and if cause were, I hope, to defend our prince, country, and religion, we should draw our swords against all opposers.—This I speak out of the care I have to maintain the honour of our king against those, who, I fear, by these innovations of religion, may have sought to undermine it. But, to come to the manner and method of our proceedings, having made this excursion, I desire, to the end we may avoid confusion and distractions, that we may go presently to the ground of our religion, and lay that down as a rule on which all may rest: that when that is done, it will be time to take into our consideration the breakers and offenders against this rule. But before we have laid down that, our work will be in vain: therefore, first, let us lay down the proposition, wherein we differ from the Arminians, and in that I shall be ready to deliver my opinion; and this is my humble motion.'

Jan. 28. Mr. Secretary Cooke brought a second Message from the king: viz.

"His majesty upon an occasion of dispute in this honourable house, about Tunnage and Poundage, was pleased to make a gracious Declaration, wherein he commended unto us the speedy finishing thereof and to give a precedency thereto. And his maj. expects rather thanks than a remonstrance; yet his maj. doth not interrupt you, so that you trench not on that which belongs not to you. But his maj. still commands me to tell you, that he expects precedency of Tunnage and Poundage; assuring himself, that he hath given no occasion to put it back, and so hopeth you will not put it off."

Mr. *Long*. 'I cannot but with much sorrow speak, seeing that we are still pressed to this point. I hoped those near the chair would have truly informed his maj. of our good intentions: but we see how unhappy we are, for some about his maj. make him diffident of us.'

Sir *Tho. Edmunds* (treasurer of the household). 'I am sorry this house hath given occasion of so many messages about Tunnage and Poundage, after his maj. hath given us so much satisfaction; you may perceive his maj. is sensible of the neglect of his business: we that know this, should not discharge our duties, did we not persuade you to that course which should procure his majesty's good opinion of you. Yourselves are witnesses how industrious his maj. was to procure you gracious laws in his father's days; and since that what enlargement he hath made of our liberties; and still we give him cause to repent him of the good he hath done. Consider how dangerous it is to alien his majesty's heart from parliaments.'

Mr. *Coriton*. 'When men speak here of neglect of duty towards his maj. let them know we know no such thing, nor what they mean. I see not how we neglect the same. I see it is all our hearts desire to expedite the bill of Tunnage and Poundage in due time; our business is still put back by their messages, and the business in hand is God's; and his majesty's things are certainly amiss, and every one sees it; but woe be unto us if we present not the same to his majesty.'

Sir *John Elliot* spoke to the same effect.—Wherefore it was ordered, "That a committee should be appointed to pen an Answer unto his majesty's Messages, and it is their resolution to give him all expedition in his service; and that they held it not only fit to give him thanks, but farther to shew what peril we are in; and that Tunnage is their own gift, and that is to arise from themselves, and that they intend not to enter into any thing that belongs not to them."

Jan. 29. The former part of this day was spent in debating of transporting of Corn and Victuals into Spain; and it was ordered, that a Message should be sent unto his majesty, That it is now evident, that divers ships are bound for Spain, and to desire a stay of them. His maj. answered, "That touching the said Ships he would consider of it, and send them an Answer in due time."

After a long debate at the committee for Religion, it was resolved by the whole house, to declare their Resolution in these words following, viz.

"We the commons, now in parliament assembled, do claim, profess, and avow for truth the sense of the Articles of Religion, which were established in parliament in the reign of our late queen Elizabeth, which by public act of the church of England, and by the general and concurrent exposition of the writers of our church, have been delivered to us; and we do reject the sense of the Jesuits and Arminians, wherein they differ from us."

Commons' Apology about Tonnage and Poundage.] Feb. 2. The commons presented the following Apology to the king: viz.

"The Commons Apology for not passing their Bill of Tonnage and Poundage, and their Desire to proceed with Religion.

"Most gracious Sovereign; We have within these three days received from your maj. two Messages, putting us in mind of our present entering upon the consideration of a grant of Tunnage and Poundage; but the manner of possessing the house therewith being disagreeable to our orders and privileges, so that we

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could not proceed therein; and finding ourselves, in your majesty's name, pressed in that business, and that we should give precedency thereunto; we cannot but express some sense of sorrow, fearing lest the most hearty and forward affections, wherewith we desire to serve your maj. are not clearly represented unto you. Besides, such is the sollicitous care we have of preserving ourselves in your majesty's most gracious and good opinion, that it cannot but breed much trouble in us, whenever we find ourselves (as now we are) inforced to spend that time in making our humble Apologies (from whence usually do arise long debates) which we conceive might be very profitably imployed in the greater services of your maj. and the commonwealth, which we did with all diligence apply ourselves unto; and finding the extreme dangers wherewith our Religion is threatened, clearly presenting themselves to our thoughts and considerations, we thought and do think, we cannot without impiety to God, disloyalty to your maj. and unfaithfulness to those for whom we are put in trust, retard our proceedings, until something be done to secure us in this main point, which we prefer even above our lives, and all earthly things whatsoever.—And here we do with all humble thankfulness acknowledge your majesty's most pious care and princely intentions to suppress both Popery and Arminianism; the professors of the one being open enemies, and the maintainers of the other the subtle and more dangerous underminers, of the true religion of Almighty God, established within your realms and dominions; the truth of which our holy Religion, or any part thereof, as being sufficiently known, and generally received of all the members of our church (except of some schismatical persons, who have of late years taken the boldness to broach their contrary and corrupt opinions) we desire should not be called into doubt or question. But howsoever it hath pleased your maj. (to our exceeding great comfort) by many testimonies, to declare your own constant resolution to maintain the said religion; yet how your gracious purposes are therein crossed, and to what a miserable condition your whole kingdom is likely by that means to be reduced, we shall earnestly endeavour (as that which doth most nearly concern the safety and prosperity of your maj. and people) in such sort to discover, that the ruin thereby threatened unto both, may by God's blessing be prevented, being most heartily sorry, that those occasions are offered which do thus hinder our proceedings: and therefore as well for the dignity and necessity of the matter, as for that we conceive it to be the most speedy and effectual way, by uniting of all our hearts and endeavours, to dispatch all other businesses of importance (particularly those which seem more immediately to respect your majesty's profit;) we pray that our Resolutions of preferring this business before all others may be acceptable to your maj. to whom in both the matter and manner of our proceedings we desire to give all possible satisfaction."

The King's Answer.] Feb. 3. Mr. Secretary Cooke reported, 'That himself, and the rest of the committee, attended his majesty yesterday; and he said, For my part I have used all diligence to do all the commands of my master and of this house, and yet I find some exceptions have been taken at some words by me used, when I delivered the bill of Tunnage and Poundage. Indeed I used many arguments in speaking of his maj.: I said it much concerned him, and that his maj. much desires it; but this was mistaken, as if his maj. had commanded it, and I required it in his name, which I did not intend but to avoid dispute; and I said not, this was an ordinary revenue, but that this Tunnage was the means to enable his maj. to set a fleet to sea.'—After he had made his own apology, he read his majesty's Answer to the Apology of the commons in these words, viz,

"Gentlemen, This Apology being somewhat long, may by reason thereof require some time to reply unto it, since (as most of you cannot but judge) that this giveth me no satisfaction; therefore I shall give you some short notes upon it. I cannot think, that, where as you alledge that the bill of Tunnage and Poundage was brought in against the privileges of your house, that you will offer to take so much privilege from every one of your members, not to allow them the liberty to bring in any bill whatsoever, though it be in your power, when it is brought in, to do with it what you think good. And I cannot imagine your coming together, only by my power, and to treat of things that I propound unto you, can deny me that prerogative to recommend or offer any bill unto you; though, in this particular, I must profess, that this bill was not to have been offered unto you in my name, as that member of your house can bear me witness.—As for the cause of delay of my business, being Religion, there is none of you shall have a greater care for the true preservation of it than myself; which since it is confessed by your Answer, you must either think I want power (which cannot be) or that I am very ill counselled, if it be in so much danger as you affirm. Though I may say much of this point, I will say no more, that for all this I shall not stop my ears to you upon this subject, so that in form and matter you transgress not your limits. As for Tunnage and Poundage, I do not so much as desire it of greediness of the thing, being persuaded that you will make no great stop in it, when you once take it in hand, as out of a desire to put an end to those questions that do daily arise between me and some of my subjects; thinking it a strange thing, if you should give ear to those complaints, and not to take the sure and speedy way to decide them. Besides, I must think it strange, that this business of Religion should be only a hindrance of my affairs; whereas I am certainly informed, that all other things go according to their ordinary course. Therefore I

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must still be instant with you, that you proceed with this business of Tunnage and Poundage with diligence, not looking to be denied in so just a desire; and you must not think it strange that if I find you slack, I give you such further quickening as I shall find cause."

Debate on the King's Answer.] Hereupon the following debate arose.

Sir *John Elliot.* 'Mr. Speaker, I confess, this hath given great satisfaction for present desires and future hopes; and howsoever I find the misinterpretation of some, and the danger of religion; yet I find his majesty's ears open, and if these things be thus as we see, that then he is not rightly counselled. I am confident we shall render his maj. an account of what he expecteth: but, sir, I apprehended a difference between his majesty's expression, and those of his ministers. First, sir, that bill was here tendered in his majesty's name, and now we find his maj. disavows it, that he did it not. What wrong is this done to his maj. and to this house, to press things in his sovereign's name, to the prejudice and distraction of us all? I think him not worthy to sit in this house.

Mr. *Speaker.* 'This honourable person did explain himself, that he did not press it in his majesty's name, but only did commend it to your considerations.'

Secretary *Cooke.* 'I said, that in regard of the difference between his maj. and his subjects, my desire was to accommodate it.'

Sir *H. May.* 'If ye be too quick to except against the ministers of his maj. that serve his maj. and this house, it will discourage and stop our mouths, whose service ye daily commend.'

Mr. *Kirton.* 'The too great bishops named [Mountague and Laud,] are the main and great roots of all those evils, which are come upon us and our religion; let us inquire what men they have preferred of the clergy, and how.'

Mr. *Coriton.* 'The declaration now read came from his majesty, but it is by the advice of the clergy; and sure they have not advised him the right way, that there must be no dispute of preaching, one way or other; this is to suppress the truth: and yet the contrary professors are preferred in the church, to the grief of all good men.'

Sir *Walter Earle.* 'Mountague is a principal disturber of the church: he was a batchelor of divinity, I desire to know how he came to be a bishop. Two men are named in the last Remonstrance that are privy counsellors, and it is very probable, that those ecclesiastical officers did give that advice to the king.'

Sir *H. May.* 'I will tell you what I am privy unto in this point: true it is, these two men were named in the said Remonstrance, and this point was before the king and his council, and the king did utterly dislike such novelties; and then these two bishops being present, with tears in their eyes, protested they hated the opinions and questions, and upon their confession, on their knees, they renounced them.'

Sir *James Perrott.* 'It is said that these two bishops were before the council on their knees, and, with tears did disclaim the opinions: but we see their facts, Dr. Laud, bishop of London, entertained for his houshold chaplain one that did dispute the Arminian points, who said, What the Arminians hold and write, he would maintain and believe.' And this sir James offered to justify upon oath.

It was ordered, that the Complaint against Mountague should be taken into consideration, and that a committee should make search after Pardons granted to the clergy.

A Sub-Committee about Pardons appointed.] Feb. 4. A petition was, at the first sitting, preferred against Dr. Cosins. Mr. Sherland made report from the committee about the search for Pardons, that they had found 4 pardons sealed: 1st to Montague, the 2nd to Dr. Cosins, the 3rd to Dr. Sibthorpe, and the 4th to Dr. Manwaring.

Sir *R. Phillips.* 'If ever there came here a business of the like consequence, I have lost my memory: if ever king of England was abused in his mercy, it is our king. What persons are pardoned? even the greatest enemies to the church and state, that were standing under the judgment of the parliament, and they are pardoned between parliaments: If every man be not warned to search this into the bottom, I would they were; if we neglect this, we regard nothing. You see offenders complained of, and instead of punishment, grace; the goodness of our king is thus abused. Let a select committee consider of it, and let the attorney certify what is done herein, and by whom, and I hope we shall find those original instruments which have misled his majesty.'

It was ordered that a sub-committee shall have power to send for the records and privy seal, and other incidents belonging to the Pardons, and to send to the Parties and to Mr. Attorney about his knowledge herein, and by whose instigation the Pardons were obtained; which was done accordingly.—Sir R. Philips made report, That he went to Mr. Attorney, and found him in the Starchamber, and acquainted him with the Message. Who answered, That he received a command from his maj. in the last long vacation, presently after the end of the last sessions, to draw a Pardon; which he delaying till Michaelmas term following, he met with the bishop of Chichester, who intimated unto him his majesty's pleasure, and required him to draw up the pardon. And Mr. Attorney desired him to advise, whether it would be any advantage to him or no. And afterwards Mr. Attorney told him, he met with a great lord, a privy counsellor (the earl of Dorset) who asked him if the Pardon for the bishop of Chichester were drawn, and desired him to dispatch it. After this Mr. Attorney said, The lord Charlton sent unto him a warrant, under the king's hand, to command him to draw the Pardon, which he did; and after it was drawn, the

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bishop of Winchester sent to see it, and interlined it: and whereas Mr. Attorney had drawn the Pardon but for one, Montague put four in it, viz. himself, Cosins, Sibthorpe, and Manwaring.

Feb. 5. Mr. Secretary Cooke reported; That it was his majesty's pleasure, that the Fast be kept by both houses of parliament on the 18th of this instant February, and for the whole kingdom the 20th of March next.

Information against Witherington, for aspersing the Protestant Religion.] Feb. 6. The house being informed by petition against one Witherington, who had formerly been examined before the lords of the council for depraving of our religion, and had since called the protestants, hereticks, wishing a hundred of their throats cut; and to one that had been a papist, and was lately turned to our religion, he said, he would be hanged, and otherwise disgraced him.—Whereupon it was ordered he should be sent for.

Sir R. Philips reports Mr. Attorney's Answer concerning Cosins.] The house was likewise informed, that Dr. Cosins, (a little before he had obtained his pardon) was accused to Mr. Attorney by two witnesses for speaking words against the king: whereupon it was ordered, that Mr. Attorney should be sent to about it; which was done accordingly.

Sir *R. Philips* returned Mr. Attorney's Answer, as followeth: 'My part is to give you an account about the affidavits against Cosins. Mr. Attorney saith, that one Mr. Heath of Grays-Inn came to him about Michaelmas term last, and affirmed, that Cosins in a public meeting said, 'That the king had nothing to do to be head of the church, and that he had no more power for to excommunicate any, than his servants that rubbed his horses heels.' The Attorney acquainted his maj. herewith, which his maj. was very unwilling to believe, that he or any man durst say so much; but conceived that the said complaint did arise from malice: yet he charged the Attorney to make a careful inquisition thereof, and if it were strongly probable, then he should repair to his majesty. After this Mr. Attorney did diligently enquire about the same, and told Mr. Heath, that the matter was found very improbable, and there was certainly some mistake in it. Whereupon there were two affidavits made, which did swear it point blank. Nevertheless Mr. Attorney sent his letters to Mr. Deane and others that were present when the words were spoken, to require them to certify, whether such words were spoken or no. Upon their certificate he found variance about these words, and thereby the business was lessened. And being demanded, if he had any directions to desist from the suit intended in the Starchamber against Cosins; he answered, no: but said, that he casually meeting with the bishop of Winchester, told him of the said business. To which the bishop answered, it will be nothing; for King, one of them that made the affidavit, is a baggage-fellow.'

Sir *John Elliot*. 'It is our honour and duty not to pass over these things too slightly. I find the king's honour and right too is in question, that right which we are sworn to maintain: if I mistake not it is high-treason, and this was given upon oath, presented by the attorney to his maj. who gave him command to examine it, and then to certify his maj. of it. In ordinary felonies the law doth not allow an oath contrary to the proceedings of the king; but here against two affidavits a letter must dash them all. The attorney acquaints the bishop of Winchester with it, who takes it to be but a matter of malice. I desire the persons that made the affidavits may be sent for, and examined, and that Mr. Attorney may answer the matter why he passed it over so slightly, considering the person of the man in question, who was not only suspected, but charged as criminous, and one that is so obnoxious.'

Whereupon it was ordered, that the witnesses should be sent for. But for Mr. Attorney it was made questionable, whether they could send for him or no, because he did attend by writ in the upper house. Whereupon it was ordered, that intimation should be given to Mr. Attorney to be there on Monday next, to give satisfaction to the house for his not proceeding against Cosins, having so good a ground for it.

Feb. 7. Sir D. Norton informed the house, that one Dr. Moore attending the bishop of Winchester upon an occasion, the bishop told him, that he had oftentimes preached before king James against popery, which was well liked of then, but now you must not do so. Whereupon the doctor answered, if occasion served, he would not spare to do the like still. To which the bishop replied, that the times were not the same, and therefore you must not do so now.

Sir *R. Philips* said, 'By this you may guess that this bishop had a hand in setting up those ceremonies in Durham, and that he still bears good will towards them, labouring to make Durham and Winchester synonymous. This reflects upon his maj. as if his maj. should dislike that ministers, in their preaching, should refel and repel popery.'

Sir *J. Elliot* replied, 'In this Laud is contracted all the danger we fear; for he that procured those pardons may be the author of those new opinions: and I doubt not but that his maj. being informed hereof, will leave him to the justice of this house; and I hope those exhalations will not raise any jealousy betwixt his maj. and us. Let the doctor be sent for to justify it; which was done accordingly.

Report from the Committee relating to the Sheriff of London.] Feb. 9. Sir J. Elliot reported from the committee for examination of the Merchants Business, how they had found sheriff Acton in variation and contradiction in his examination; which being conceived a contempt to the house he desired he should be sent for, to answer the same at the bar.—Mr. Goodwin said, The sheriff acknowledgeth his

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error, and humbly desired that he might once again be recalled before the committee; and if he did not then give them full contentment by his answer, he would refer himself to the wisdom and justice of the house.'—This motion was strongly seconded; but in regard his abuse appeared to be so gross, and that he had so many times liberty given him to recollect his memory, and he being so great an officer in so great a city, he had all the favour that could be, and yet rejected the same, and carried himself in a very scornful manner. Wherefore it was ordered that he should be sent for as a delinquent, to answer at the bar the next morning.

Dr. Montague's Confirmation argued.] Jones the printer and his counsel were called in, to argue the business of Montague's Episcopal Confirmation. The questions were two: 1. Whether the exceptions be legal? 2. Whether the Confirmation be good? The last of these is the point touching which the house enjoined the counsel to speak. The counsel proposed a 3rd question, What would be the fruit and effect thereof, if in law the Confirmation should prove avoid? In which the counsel said it would not extend to make him no bishop upon the point of election, but upon the point of Confirmation only, which makes him punishable, if he execute any thing concerning the bishoprick.

Sir *H. Martin* said, 'That the exception making void the Confirmation, doth in law work also upon the election, and likewise make that void.

Dr. *Steward* said, 'The point of setting to the advocate's hand is but matter of form of court but no matter of law.'

Sir *H. Martin* said, 'That he would endeavour to give the house full satisfaction; and will speak with relation to the king's right and laws of the realm. The proclamation at common law should not be at Bow-Church, but the Cathedral Church of the diocess where the bishop is to be elected, and the dean and chapter and clergy of the diocess are to except, and not every one that will. The arguments that might fall thereupon are endless, and to alter a course so long settled needless; and I conceive it is plain, that the king and the law have power to deprive him of his bishoprick, if he deserve the same: therefore it were good to decline this dispute for the present, and to seek to remove him.' Which was allowed of.

Complaint relating to Tonnage.] Feb. 10. Mr. Rolls complained, 'That since the last complaint of the breach of the liberties of this house, his warehouse was locked up by one Massey a pursuivant. And that yesterday he was called forth from the committee in the Exchequer Chamber, and served with a subpœna to appear in the Starchamber. And since he received a letter from Mr. Attorney that it was a mistake; the subpœna was read, but the letter was not suffered to be read.'

Sir *R. Philips* said, 'You see we are made the subject of scorn and contempt. I conceive this to be a bone thrown in by them that seek to draw a cloud over our religion, to divert or interrupt us in the preservation of it. I desire the messenger may be sent for, and examined by whose procurement this subpœna was taken forth: if those that throw these scorns upon us may go unquestioned, it is in vain to sit here.'

Sir *H. May.* 'This proceeds from some great error, for I will assure you this never proceeded from king or council. I therefore desire it may be searched to the bottom, for be it considered that neither king nor council have cast in this as abovesaid.'

Mr. *Selden* 'This is not to be reckoned as an error; for questionless this is purposely to affront us, and our own lenity is the cause of this.'

An order, that Shrimpton, the messenger that served the subpœna, be presently sent for, to the house; a committee of six are appointed to see the Information in the Starchamber, and to examine the same and by whom the same was put in; and they shall have power to send for persons or records that may inform them.—A general Order was also agreed on, That all the committees that have power to send for parties, shall have power to command any of them as they shall think fit, to attend the house at such times as they think fit.—The privilege of the merchants that are planters here, may be taken into consideration by this committee, concerning the Information in Starchamber.

The Sheriff of London committed to the Tower.] Mr. Sheriff Acton being called to the bar, upon his knees, saith, 'If he hath erred, it is through want of memory and ignorance; for he intended not the least dislike or distaste to any member of the house.'

Mr. *Long* moved he might be sent to the Tower.

Sir *F. Seymour.* 'That he may now be referred back to the committee to be re-examined; if then he deal not clearly, this house may proceed to further punishment.

Mr. *Selden.* 'I cannot remember when we did commit a sheriff of London, but I remember when this house committed both the sheriffs of London to the Tower, for an abuse of less nature; only for countenancing of a serjeant in an arrest on a member of parliament, though they did acknowledge their faults at the bar, which this man hath not yet done. The serjeant was sent to Little-Ease; the party, at whose suit he was arrested, was committed to the Fleet, and both the sheriffs to the Tower.'

Mr. *Kirton.* 'I came into this house with as good a heart to this man as any man; for I was spoken to stand for him as I came in. I promissed to do what favour I could; but if he were my brother, he should go to the Tower.'

Mr. *Littleton.* You see the affronts, by books, by preaching, by rumours, by being daily served with process that are put upon us,

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that we are become but a mere scarecrow: the neglect of our duty is the cause of this: it is high time to remedy this, or it is in vain to sit here.'—The sheriff was again called to the bar, and was, on his knees, ordered to the Tower.

Mr. Selden's Report relating to Tunnage.] Feb. 11. Mr. Selden reported concerning the process of the merchants, that Mr. Attorney gave order for the process, and that Mr. Attorney's man took forth the same for the bill; it is for these things, which depend in parliament, complained of here by the merchants. The copy of the bill brought in and read, That the merchants did plot, practise, and combine against the peace of the kingdom.—This being a business incident to Tunnage and Poundage, is ordered to be deferred until the morrow morning. Also, that report be made then of the examination of the complaints of the merchants: and that the information in the Exchequer-chamber may also be brought, which was likewise ordered, that in respect the term ends to-morrow, and the assizes to follow, and divers members, that are lawyers, of this house may be gone; it is ordered that none shall go forth of town, without the leave of the house.—Ordered also, that the Speaker's letter shall be sent for sir Edw. Coke.

Proceedings of the Committee for Religion.] Mr. Waller, at the committee for Religion, delivered a petition of the booksellers and printers written against Popery and Arminianism, and the contrary allowed of by the means of the bishop of London; and that divers of them had been pursuivanted for printing orthodox books; and that licensing of books, is now only restrained to the bishop of London and his chaplains.—One of the printers said, he tendered divers books; one called, 'The Golden Spur to the Celestial Race;' and that Turner, one of the bishop of London's chaplains, said, That if ye would put out the point, that a man may be certain of his salvation, he would license the same; and notwithstanding he put out that point, yet he could not get the same licensed; whereupon.

Mr. *Selden* took notice, 'That the refusing of licensing books is no crime, but the licensing of bad books is a crime; or the refusing to license books, because they are written against Popery or Arminianism is a crime. There is no law to prevent the printing of any book in England, only a decree in the Starchamber: therefore that a man shall be fined and imprisoned, and his goods taken from him, is a great invasion on the liberty of the subject.'—Thereupon he moved a law may be made in this: this is referred to a select committee to be examined.

Sir *B. Rudyard.* 'There be divers recantations, submissions, and sentences remaining on record, in both universities, against Arminianism, which may conduce to our end: That the Speaker's letter may be sent to the chancellor for those records,' which was ordered.

Debate concerning Pardons granted.] Mr. Sherland reported concerning the Pardons, that they have examined Dr. Sibthorp's and Cosins's Pardons; Sibthorpe solicited his own pardon, and said he would give it to the bishop of Winchester to get the king's hand to it. It is evident that the bishop of Winchester got the king's hand to Sibthorp's and Cosins's pardons, and also Montague's pardon was promised by him: that Dr. Manwaring solicited his own pardon, and the bishop of Winchester got the king's hand to his pardon. It is likewise said that the pardons were all drawn by Mr. Attorney, before there was any warrant.

Mr. *Oliver Cromwell** said, 'That he heard by relation from one Dr. Beard, that Dr. Alablaster had preached flat Popery at St. Paul's Cross; and that the bishop of Winchester (Dr. Neile) commanded him, as he was his diocesan, he should preach nothing to the contrary. He said, that Manwaring, so justly censured for his sermons in this house, was, by this bishop's means, preferred to a rich living. If these are steps to church preferments, what may we not expect?'

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* This is the first time this extraordinary person makes his appearance upon our stage of action. The following extract from sir Philip Warwick's Memoirs, p. 247, is very curious:—"The first time that ever I took notice of Cromwell, was in the very beginning of the parliament held in November, 1640, when I vainly thought myself a courtly young gentleman; (for we courtiers valued ourselves much upon our good cloaths) I came one morning into the house well clad, and perceived a gentleman speaking (whom I knew not) very ordinarily apparelled, for it was a plain cloth suit, which seemed to have been made by an ill country taylor; his linen was plain, and not very clean; and I remember a speck or two of blood upon his little band, which was not much larger than his collar; his hat was without a hat-band; his stature was of a good size, his sword stuck close to his side, his countenance swoln and reddish, his voice sharp and untunable, and his eloquence full of fervor. Yet I lived to see this very gentleman, by multiplied, and good successes, and by real (but usurpt) power, (having had a better taylor, and more converse among good company) in my own eye appear of a great and majestic deportment, and comely presence."—And in Bulstrode's Memoirs, p. 192.—"This conference puts me in mind of what Mr. Hampden said to the lord Digby, in the beginning of the war. As they were going down the parliament stairs, Cromwell going just before them, the lord Digby (who was then a great man in the house of commons) asked Hampden, who that man was? for I see (saith the lord Digby) he is of our side, by his speaking so warmly this day. Upon which Mr. Hampden replied, That slovenly fellow which you see before us, if we should ever come to have a breach with the king (which God forbid) I say that sloven, in

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Sir *R. Philips* said, 'One Dr. Marshal will relate as much said to him by the bishop of Winchester, as the bishop said to Dr. Alablaster.'

Mr. *Kirton*. 'That Dr. Marshal and Dr. Beard may be sent for.' And further said, 'This bishop, though he hath leaped through many bishopricks, yet he hath left popery behind him. That Cosins frequenting the printing-house, hath caused the books of Common Prayer to be newly printed, and hath changed the word 'Minister' into the word 'Priest,' and hath put out in another place the word 'Elect.' Thus Cosins and his lord go hand in hand.'

Sir *Miles Fleetwood*. 'We are to give Montague his charge, and, by his book, charge him with, 1. Schism in error of doctrine.' 2. Faction in point of state. 3. Matter of aggravation.

Sir *Walter Earle* said, 'Qui color albus erat nunc est contrarius albo.' Dr. White hath sold his orthodox books, and bought Jesuits books, therefore let White go arm in arm with Montague.'

Sir *John Elliot* made report from the committee, in the examination of the complaint of the merchants; and delivered in the orders and injunctions in the exchequer; and said, 'That the merchants are not only kept from their goods by the customers, but by pretended justice in a court of justice, the exchequer. I conceive, if the judges of that court had their understanding enlightened of their error by this house, they would reform the same, and the merchants thereby suddenly come by their goods.'—Ordered, a select committee to be named to digest these things that have been already agitated, concerning innovation of religion, the cause of the innovation, and the remedy.

Debate on a Complaint concerning Tonnage and Poundage.] Feb. 12. At a grand committee for Tonnage and Poundage, Mr. Waller delivered a petition from Chambers, Foulkes, and Gilbourne, in complaint of an information against them in the Star-chamber about Tonnage and Poundage; and that, by the restraint of their goods, they are likely to be undone.

Mr. *Coriton*. 'I conceive it fit the merchants should have their goods, before we can think of the bill. Kings ought not, by the law of God, thus to oppress their subjects. I know we have a good king, and this is the advice of his wicked ministers; but there is nothing can be more dishonourable unto him.'

Sir *H. May* (chancellor of the Duchy). 'I shall speak my opinion, because I know not whether I shall have liberty to speak, or you to hear any more. All the proceedings of the king and his ministers was to keep the question safe, until this house should meet, and you shall find the proceeding of the Exchequer very legal; and thus much, not knowing whether I shall attain liberty to speak here again.'

Sir *Tho. Edmunds* (treasurer of the household). 'There is none here but would think it a hard thing that a possession should be

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such case, will be one of the greatest men of England—which was a prophetical speech. But Hampden knew him well, and was intimately acquainted with him."—Some years after this, about December, 1644, Charles I. sent for archbishop Williams to Oxford, to take his opinion upon the situation of his affairs at that time; in the course of their conversation, speaking of Cromwell, the archbishop said, "That Cromwell, taken into the rebels army by his cousin Hampden, is the most dangerous enemy your majesty has; for though he is, at this time, of mean rank and use amongst them, yet he will climb higher. I knew him at Bugden, but never knew his religion. He was then a common spokesman for sectaries; and maintained their post with stubborness. He never discoursed, as if he were pleased with your majesty and your great officers; and indeed he loves none, that are more than his equals.—Your majesty did him but justice, in repulsing a petition put up by him, against sir Thomas Steward of the Isle of Ely; but he takes all those for his enemies that would not let him undo his best friend; and above all that live, I think he is the most mindful of an injury.—His fortunes are broken, that it is impossible for him to subsist, much less to be what he aspires to, but by your majesty's bounty, or by the ruin of us all, and a common confusion. In short, every beast hath some evil properties; but Cromwell hath the

properties of all evil beasts. My humble motion to your majesty therefore is, that either you would win him to you by promises of fair treatment, or catch him by some stratagem; *and then cut him short.*" All which the king received with a smile, and said nothing.—Philips's Life of Abp. Williams, p. 200.

The following description of Cromwell by John Maidstone, who was a member of one of his parliaments, is also curious:—"Before I pass further, pardon me in troubling you with the character of his person; which, by reason of my nearness to him, I had opportunity well to observe. His body was well compact and strong; his stature under six foot (I believe about two inches); his head so shaped, as you might see it a storehouse, and shop both, of a vast treasury of natural parts. His temper exceedingly fiery, as I have known; but the flame of it kept down for the most part, or soon allayed with those moral endowments he had. He was naturally compassionate towards objects in distress, even to an effeminate measure; though God had made him a heart, wherein was left little room for any fear, but what was due to himself, of which there was a large proportion; yet did he exceed in tenderness towards sufferers. A larger soul, I think, hath seldom dwelt in a house of clay, than his was."—Letter in the Appendix to the 1st Volume Thurloe's State Papers, p. 765.

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taken from us, without any order for sequestration; that therefore it was not to be suffered, that these few men should so unjustly disturb the government of the state: desires that there may be no interruption, but we may proceed to settle the Tunnage.'

Mr. *Coriton*. 'I hope we may speak here, as we may speak in heaven, and do our duties, and let not fear divert us.'

Mr. *Waller*. 'It is not so few as 500 merchants are threatened in this.'

Sir *R. Philips* moveth, 'That we may go to the king, and satisfy him of these interruptions.'

Mr. *Noy*. 'We cannot safely give, unless we be in possession; and the proceeding in the exchequer nullified, also the informations in the Star-chamber, and the annexations to the Petition of Right. I will not give my voice, neither will I give, unless these interruptions be declared in the bill, 'That the king hath no right, but our free gift.' If it will not be accepted, as it is fit for us to give it, we cannot help it: if it be the king's already, as by their new records it seemeth to be, we need not give it.'

'Mr. *Selden* seconds the motion of sending a message to the exchequer; declareth a precedent of a message sent into the chancery, for stay of proceedings in a cause; and it was obeyed. And what answer soever the judges return, it cannot prejudice us: the law speaks by the records, and if these records remain, it will, to posterity, explain the law.'

Mr. *Littleton*. 'For the point of right, there is no lawyer so ignorant to conceive it, nor judge of the land to affirm it; is against giving to the king, or going on with the bill. In this case, by the law, a man cannot be put to a petition of right, but shall recover without petition.'

Ordered, a Message shall be sent to the court of exchequer, 'That whereas certain goods of the merchants have been stayed by injunction from that court, by a false affidavit; and that, upon examination, the customers that made the affidavit have confessed, that the goods were only stayed for duties contained in the book of rates; that therefore that court would make void the orders and affidavits in this business.'

Feb. 18. Dr. Moore called in, saith, 'That he was referred to the bishop of Winchester, to be censured for a Sermon preached by him. The bishop said, 'That he had heard him deliver many pretty passages against the papists, which pleased king James well, but he must not do so now: that he had a brother that preached against bowing at the name of Jesus, and bowing at the high altar, which he liked not; and that the communion table stood as in an ale-house, but he would have them to be set as high altars. Dr. Moore is to deliver these things, in writing, to-morrow.

Proceedings of the Committee for religion.] At the Committee for Religion, Mr. Pym in the chair,

Sir *Walter Earle* said, 'If we speak not now, we may for ever hold our peace; when, besides the queen's mass, there are two other masses daily in the queen's court; so that it is grown common with the out-facing Jesuits, and common in discourse, 'Will you go to mass, or have you been at mass at Somerset-house?' there coming 500 at a time from mass. Desires it may be known by what warrant the Jesuits lately in Newgate were released.'

Mr. *Coriton* said, 'He doubts not but his majesty's intention was good, in the Declaration lately published; but he conceiveth it will be made use of only to our disadvantage. He desireth therefore the declaration may be taken into serious consideration.'

Sir *Rd. Grosvenor* reports the proceedings of this house against Popery the last session, and what fruits have followed thereof since, as follows:—'In this great business concerning Religion, and the stay of execution of the laws against Recusants, it will much conduce to purpose, and forward our resolutions, to cast back our eyes to what was done the last session. You may remember that, amongst other businesses of weight, we then took to heart the decay of Religion; we sought after the preservation thereof, and how to maintain it in its own purity. We find that, of late years, it had been much wounded by heartening of papists, by conferring offices upon recusants. We summoned our judgments, and employed our best cares and pains for stopping the current of popery; which by such means, like a deluge, came flowing in upon us. And well did it befit the piety of this house to be so zealous for the prosperity of that, which ought to be so precious to every good man's soul, and so dear in their eyes. This we attempted by these and the like steps. 1. By that religious Petition, wherein it pleased the lords so readily to join with us. 2. By framing a bill against Recusants, which passed both houses; whereby his maj. had been much enriched, better enabled to compass his dues from them, and to avoid their deceits in defrauding him thereof. 3. By informing him of the numbers and particulars; and by petitioning him to remove all papists and popishly-affected people from the court, from places of trust, and from places of power. 4. By examining the dangers and inconveniences of these late Commissions and Instructions granted forth, for the compounding with Recusants for their estates and forfeitures. 5. By framing a Charge to usher up Mr. Montague to the lords; not to his seat amongst the reverend society of bishops, but to the bar, as an offender against that house, this house, and the whole church of God. But what good hath our zeal brought to religion, what profit to the church? We all know, and with thankfulness acknowledge, that his maj. gave a most pious and gracious Answer to our Petition, and to some particulars, as fully as we could desire; which raised our hopes to the expectation of much good, and some hath followed. For it is true that the promised Proclamation to command judges, and other mi-

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nisters of justice, to put the laws in execution against Recusants, their priests and jesuits, is now extant; which yet seems to me to have been long kept by some back-friends to religion; and I am induced to think thus for these reasons, viz. My 1st reason I draw from common fame: It being generally reported, that instead of life and motion to the laws in force against Recusants, the judges had in charge, before the last circuit, to deal sparingly with them. My 2nd reason I draw from the time when this Proclamation came forth; which was five weeks after the end of the session, when some of the circuits were ended, or so near a conclusion, that the judges could take little or no notice thereof. 'And, 3dly, from consideration of a former Proclamation, dated the 7th of July, which though it passed not the seal, yet it did the press; and, in my poor opinion, would never have gone so far (knowing the resolution of council to be more certain) had not some men hoped to prevent the latter by procurement of the former as satisfaction; which falls short of his majesty's pious intentions, expressed in that his religious Answer: And, if with reverence, I may speak my humble thoughts, they do both of them, in the conclusion, too much encourage the worst of subjects to hope for his majesty's best favour; too fairly inviting them to compound for their forfeitures; which course this house was bold to stile little less than a Toleration.—'Again, Is the concourse of Recusants as yet restrained from the court? nay, do they not since our recess frequent it with more confidence and greater alacrity? Do not their hopes daily increase, and themselves grow more insolent? Their fears are ended with the session. 4thly, Is the promised watch as yet appointed to keep them from ambassadors houses? Had the Judges in charge to inform themselves in their last circuits, and, after their return, to certify his maj. of all such papists and popishly affected persons as they should find to be in authority? I have not heard it, and to me those are all the known effects of that religious petition. 5thly, Next take we notice of the abortion of that necessary bill against Recusants, which, when we hoped it would have received life and perfection by the royal assent, perished in embryo, suddenly vanished, as being too cruel and too unmerciful. Lastly, Considering what fruit we have reaped from that Petition and Information, whereby we let his maj. know the particulars of such papists and popishly affected, as were in each county in commission of the peace, of lieutenancy, &c. Are any of them since removed? No, it is well if their numbers be not increased.—Oh! Mr. Pym, this breaks the hearts of all; for if God be God, let us follow him; and if Baal be God, let us follow him; and no longer halt between two opinions: for whilst we are thus careless in standing for God, that we dare scarce acknowledge our own religion, is it any marvel that God estrangeth himself from us, and will not own us, as by too woeful experience we have cause to suspect? Since, we find, he goeth not forth with our armies, since so ill success attends all our actions, and we have not yet made our peace with him.—And to these griefs and discouragements, I find an addition of that nature, that threatens the very ruin and desolation of us, if not dissolution of religion in this land, if God himself take not his own cause into his hand: and that is the countenancing and preferring of a plotting, undermining, and dangerous sect of upstart divines; when Arminians shall be graced and preferred before honester men; when such desperate divines, as have tired a part of Christendom, almost ruined our neighbours, kindled their firebrands, and cast their dangerous sparks abroad in our church, shall be encouraged to go on in planting their damnable doctrines and propositions; which, already, have taken deep footing in our universities, and many other parts of this land.—You remember, sir, what care and pains this house took (as a matter of great consequence) to frame a Charge against Montague; which was ready, with the first opportunity, to have transmitted him to the lords; but these many interruptions we have had, have given backing to that, as well as to many other businesses of weight: yet was this man, shortly after the ending of the session, dignified with the sacred title of a bishop; and bishop of that see, wherein his predecessor (a grave and orthodox prelate) had laboured both by his pen and doctrine to strangle those errors, and to confute Mr. Montague; as if the very ready way to obtain a bishopric now, were to undermine religion, and to set the church in combustion. Another also of his own profession, little better than himself, I mean time-pleasing Manwaring, hath also tasted extraordinary favour. This man attempted to make his holy function a means to seduce the king's conscience, to misguide his judgment, to disjoint his affection from his people, to avert his mind from calling of parliaments; the particulars of his damned doctrines are yet fresh in our memory. What could a man have done worse? For thereby he did, as much as in him lay, violently to break in pieces that cord, to wrest in sunder that chain, which links, ties, and unites the hearts and affections of the prince and people together. Verily, they that shall go about thus to seduce or corrupt a prince, deserve to be hated of all men; as much as those that attempt to poison a public spring or fountain whereof all drink. For which offence of his, he received a just, but moderate censure. One particular was, that he should be disabled for ever holding any ecclesiastical dignity in the church: and although it be confessed, that the doctor justly brought upon himself the censure of parliament, yet was this man also, immediately after our rising, released from his imprisonment, reported to have the honour to kiss the king's hand; obtained his pardon in folio; was preferred to a rich living; and, (if some say true) cherisheth assured hopes of dignity in the church.—If these be

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steps to church preferments, God be merciful to those churches, which shall fall under the government and feeding of such a clergy.—Thus, Mr. Pym, you see the issue of our good endeavours vanish into smoak: what should be the reasons, I know not; but I may well guess it comes by the like practices that were used in king James's time; for then we had the like gracious Answers to Petitions of Religion, the like Proclamations, the like declarations, the like command to put laws in execution against Recusants, and yet little done; being prevented by the secret directions and commands of some eminent ministers of state, which I am able to justify by a letter under their hands, which I have now about me; and I wish that all such as have notice of any such private letters as have been sent for the stay of execution of those laws, would give this house notice thereof."

Sir *Rob. Philips.* 'If ever there were a necessity of dealing plainly and freely, now is the time: there is an admission of papists and Jesuits, as if it were in Spain and France. This increase of papists is by connivance of persons that be in authority; 940 persons in houses of religion being papists, of English, Scots, and Irish in the Netherlands, maintained by the papists of England: and of this I shall deliver the particulars, that we may frame a Remonstrance to the king, that unless there be some better performance of his maj.'s so many Answers to our Petitions, our religion will be past recovery,'

Mr. *Coriton.* 'That these papists, by laws or acts of state, may be removed from their offices, which we have just cause to suspect.'

Mr. *Selden* moveth, 'That these things may be debated in order; and first, for releasing the Jesuits that were arraigned at Newgate, whereof one was condemned: they were ten in number, which were priests, who had a college here in London about Clerkenwell: and those men could not attempt these acts of boldness, but that they have great countenance.'

Mr. Secretary *Cooke* replied, 'That a minister of state had notice of those ten, and this college intended to be kept at Clerkenwell; that it is plain there was a place appointed for this college, and orders and relicks prepared. The minister made the king acquainted with it; and I should not do my duty, if I did not declare how much his maj. was affected with it. His maj. referred it to the special care of the lords of the council; who examining the same, sent those ten persons to Newgate, and gave order to Mr. Attorney to prosecute the laws against them: That this college was first as Edmonton, removed thence to Camberwell, and from thence to Clerkenwell.'—Ordered, That all the knights and burgesses of this house should to-morrow morning, declare their knowledge, what letts or hindrances have been to stay the proceedings against Recusants.

Complaint against lord Lambert.] Feb. 11. A complaint was made against the lord Lambert, a baron of Ireland, and a member of this house; who being a colonel of soldiers in Middlesex, hath imposed 4*d.* upon every soldier towards his officers charges; and the petitioner refusing to pay, was first set in the stocks, and after by the lord Lambert, committed to a public prison.—Ordered, that the lord Lambert shall be sent for, to answer this.

Debate on a Commoner's appearing to answer before the Lords.] Sir John Eppesley desireth leave to answer a complaint against him in the higher house.

Mr. *Selden* hereupon, 'That the use was, and citeth precedents, That no commoner should be called to the higher house, but it will trench upon, and disadvantage the privilege of this house; and until the 18th of k. James, there was never a precedent to the contrary; that this therefore may be considered of by a select committee.'—Ordered, that sir John Eppesley should not have leave to answer to the lords house.

Mr. Secretary *Cooke* said, 'I am as careful to maintain a good correspondency with the lords as any man; but connivancy in this kind may overthrow the fundamental rights and liberties of this house: let it, therefore, be seriously considered of, for this not only concerneth the right of this house, but the liberty of the whole commonwealth.'—Ordered, that a special select committee shall be appointed to confer of this.

The Answer of the Barons, &c. of the Exchequer, concerning Tonnage and Poundage.] Mr. Chancellor of the duchy delivereth an Answer, in writing, from the lord treasurer, chancellor, and barons of the exchequer, to the Message sent them by the house of commons.' viz.

"Whereas the honourable house of commons, by order of the 12th of this instant February, have appointed that notice should be given to the lord treasurer, chancellor, and barons of the exchequer, of a Declaration made by sir John Wolstenholme, Abraham Dawes, and Rd. Carmarthen, in the said house, of the Goods that the Merchants brought into the king's storehouse, and laid up there for his majesty's use, were detained, as they conceive, only for the duty of Tunnage and Poundage, and other sums comprised in the book of rates; which notice was given, to the end the said court of exchequer might further proceed therein, as to justice should appertain:—Now, the lord treasurer, chancellor, and barons, out of their due respect to that honourable house, and for their satisfaction, do signify, that by the orders and injunctions of the said court of exchequer, they did not determine, nor any ways trench upon the right of Tunnage and Poundage; and so they declared openly, in the court at the making of those orders: neither did they, by the said orders and injunctions, bar the owners of these goods to sue for the same in a lawful course. But whereas the

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said owners endeavoured to take those goods out of the king's actual possession, by writs or plaints of replevin, which was no lawful action or course in the king's cause, nor agreeable to his prerogative: Therefore, the said court of exchequer, being the court for ordering of the king's revenue, did by these orders and injunctions stay those suits: and did fully declare, by the said orders, That the owners, if they conceived themselves wronged, might take such remedy as the law alloweth. Signed, RICH. WESTON Treasurer, Lo. NEWBURGH Chancellor, Jo. WALTER Chief Baron, JOHN DENHAM, THO. TREVOR, GEO. VERNON, Barons.

This being read, Mr. Kirton said, 'We looked for satisfaction, but now we see a justification of their actions. I therefore desire we may proceed to consider of their proceedings, and whether ever the court of exchequer held this course before for staying of replevins, and whether this hath been done by the regal prerogative of the king, or the court of exchequer.' —Ordered, That a select committee of the lawyers, exchequer-men, shall take this into their consideration.—Mr. Selden said, 'We have delayed the proceedings with the Customers, expecting some good success from the exchequer; but finding it otherwise, I desire the Customers may be called to the bar on Monday next; which was ordered.

Sir T. Hobby's Report relating to Popish Priests.] Sir *Tho. Hobby* reported, 'That he and the rest that were appointed for the service concerning the Priests, had examined the keeper of Newgate, who confessed, the 1st of Dec. he received ten prisoners, suspected to be priests, and said, That at the sessions the 3rd of Dec. last, 3 of them were indicted for priests; and one of them condemned, that was afterwards reprieved: and the night before the execution Mr. Recorder sent a warrant to stay execution, which was seconded by a warrant from the lord chief justice Hyde: all the rest did refuse the oath of allegiance, and it was ordered, that they should be kept till the next sessions. The earl of Dorset sent word to the keeper, 'That his majesty's pleasure was, they should be delivered;' and a warrant came from Mr. Attorney, to bring the priests before him, who took sureties of them to appear 20 days after notice at the council-board; and so they were discharged.—Hereupon.

Sir *N. Rich* said, 'I am confident the grace of the king hath been abused in this; that therefore the privy councellors of the house must know, whether it was by his majesty's directions, or not.' And it was moved, That Secretary Cooke may, first, declare his knowledge in this.

Mr. Secretary *Cooke*, thereupon, made a long declaration to the house concerning those Priests, and the discovery of them; and produced the papers that were found in the house amongst them upon search; and he said, that it did appear that they were jesuits and priests, by the inventory of their goods: they had their chapel and library replenished, a common kitchin, buttery, and cellar, their household-stuff is all marked with J † S. there is a monthly book of their daily expences, and a contracted annual account in Latin, under the rector's hand. It appeareth that they had purchased 200*l.* lands per ann. and 60*l.* in money did remain over and above their expences. There were also divers letters, directions and orders from a popish father from Rome, and all parts beyond the seas. They had appointed a time of meeting which was st. Joseph's day, and then they should have said mass. All their papers were delivered to Mr. Attorney who recommended them to Mr. Long.'

Sir *John Elliot* said, 'In all this I see his majesty's goodness is clear, and we shall still retain the comfort of it. You see here is a ground laid for a new religion, and a foundation for the undermining of the state; and, when they should be brought to trial, then I see the over-officiousness of ministers of state to interpose themselves to preserve these men, to all our ruins: these men were in subjection to a foreign power, and disclaim our sovereign. What could be their purpose that laboured to find out a way to free them, but to seek our ruin? For I fear the drawing of their indictment was maliciously done for that purpose. The person that I look at first is the Attorney, whom we still find faulty in this matter of religion; when he saw the importance of the cause, and had directions from the king and council; and yet, in a cause that so much concerns the king, the people, religion and all, he must take his own hand away, and put it to another; this negligence renders him inexcusable. The next is that great lord, the earl of Dorset; I find him to interpose himself herein. Let us fix it upon his person, and know by what warrant he did that which was done. I observe another person faulty also; I heard the priest was condemned, and Mr. Recorder made a reprieval: no man could vent his malice more to this kingdom, than in the preservation of these men.'

Sir *F. Seymour*, with vehemency, 'taxed both Mr. Attorney's affection and judgment herein; and declared that continual letters were sent, from Mr. Attorney, in stay of proceedings against recusants. You see how slightly Mr. Attorney hath put over a business of this weight to Mr. Long.'

Mr. Cross, the pursuivant, being examined, said, 'That there were 11 men in the New Prison; and the keeper of the prison saith, they were delivered by warrant from the council-board.'—It was ordered, That Mr. Recorder shall be rather sent unto to be examined, than to be sent for as a delinquent; in regard he hath, formerly, had the honour to sit in the chair here.

Mr. Secretary *Cooke* said, 'That herein we shall find, that the king being merciful in case of blood, gave directions for the reprieving of the condemned priests.'

Sir *J. Elliot* 'I doubt not but when we shall declare the depth of this to his maj. he will

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render them to judgment that gave him such advice.'

Sir *N. Rich.* 'These jesuits are bound by suretics to answer further at the council-board. I wish their bonds were produced, that by examination of them, we might find out the whole pack of their benefactors and maintainers.

Mr. Long being called, said, 'That he offering, at the sessions, the evidence against them, by order from Mr. Attorney; the lord chief justice Richardson interrupted him, and told him, 'He must speak to the point in issue, whether priests or no priests; and thereupon the judges consulted amongst themselves, and so arose.

Mr. *Selden* declared, 'That he was present at the sessions, and plain treason was proved, and nothing done in it.'—The further examination of this was referred to a select committee.

Feb. 16. At the committee for Religion, Mr. *Stroud* moved, 'That the lord chief justice may be called to give an account of his stay of justice, in the execution of the condemned Priests; which he ought not have done, though his maj. signified his pleasure to the contrary.'

The *Chancellor of the Duchy* said, 'That this was a thing ordinary for a chief justice to do, in queen Elizabeth's and k. James's times; as also a declaration in the Star-chamber, that all condemned Priests should be sent to the castle of Wisbich; and from hence (though the king had given no order for the reprieve) he might have taken warrant for his proceedings.'

Mr. *Selden* made a report from the committee, for the further examination of Mr. Long, concerning the proceedings at Newgate against the Jesuits; whereby it plainly appeared, 'That the evidence, tendered in the court at Newgate, did clearly testify these men to be Priests; yet the lord chief justice, Richardson, did reject the same, against the sense of the rest of the judges and justices present; whereby it is plain he dealt underhand with some of the Jesuits.—Ordered that two members shall be sent to each judge, that were present at the sessions at Newgate; who were said to be the lord chief justice of the King's-bench, and the lord chief justice of the Common Pleas, Justices Whitlock, Jones, and Crooke.

Sir *Henry Martin* made report, 'That he, with others, went to the recorder of London, to know by what warrant he made stay of execution of the Priest. He denied that he gave any order or direction for the stay. Whereupon James, the clerk of Newgate, being there present, came to him, and said, He was sorry that he had named Mr. Recorder, for Mr. Recorder gave no directions; but the warrant came from the lord chief justice Hyde.'—Whereupon Sir H. Martin, with the rest of the committee, went to the said lord chief justice Hyde, who told them, 'That he gave his said warrant by command from his majesty.'

Sir *F. Seymour* made report to the house, 'That he and others came to Mr. Attorney's chamber; but not finding him there, they went to Mr. Long, who shewed them a letter from Mr. Attorney directed to him the said Mr. Long, which was all the instructions he had to prosecute the Priests, and none else: but, for the other men, he was to take them into a private room, and offer them the oath of allegiance; which if they refused, then to proceed to præmunire. After this we went to Mr. Attorney, and desired him to give us an answer to every particular question. Whereupon he set down the answer with his own hands, but seemed oftentimes loth to deliver it unto us; yet at last he did deliver it, which was as followeth: 'I received order from the council, to proceed against the priests; and I did, accordingly, procced against them, and I gave directions to have them brought before me; and took their examinations and the informations; and I sent for Mr. Long, and desired him to take special order therein. I know not, nor ever heard, of any land conveyed to the college, but only in general; and I gave directions to intitle the king to the goods. I understood an indictment was preferred against 3 of them for treason, and the rest of præmunire; and I receiving command from his maj. for their bailment, supposed them bailable.'—Hereupon it was ordered, That such Priests as are not convicted and condemned, should be proceeded against.

Report of the Judges Answers concerning stay of Execution of Popish Priests.] Feb. 17. Mr. *Selden* reported, 'That he, and some others, examined Mr. Long, who said, That Mr. Cross the pursuivant coming from Mr. Attorney with direction, desired a warrant in writing, and so Mr. Attorney sent him a letter before-mentioned; and so he indicted them all as Priests. And the same day they were to be tried, he told the lord chief justice Hyde, that he had divers papers that did conduce to prove them priests or jesuits, and he said he was ready to read them; and thereupon the lord Richardson said, 'We are upon a point, whether priests or no priests, and they must have right done them.' Another Judge said, 'We came to do right to all.' And the lord Richardson asked him, If he had any other evidence. He said, He had no other but those papers, which he thought would give clear satisfaction. The lord Richardson said, 'All that was but discourse: he said, 'What say you to the point, priests or no priests?' To which Mr. Long answered, 'I saw not those men made priests; but he said, In the house where they were taken, were found copes and vestments for priests: and that he said to the lord Richardson, 'I am ready to open all this, if you please, or to answer any questions, which you shall ask concerning such things as I have read in the papers.' The papers contained divers examinations, and yet none were suffered to be read but one; and that not being conceived a full proof, the rest were refused.'

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Sir *R. Philips.* 'Never was the like example or precedent: if the judges give us not better satisfaction, they themselves will be parties."

Sir *T. Hobby* reported from the lord chief justice Hyde, 'That he doth not remember any papers tendered by Mr. Long were rejected; or that he affirmed they were dangerous persons, and a college of Jesuits; but howsoever, Mr. Long tendered nothing to prove them so, but that he held divers papers in his hand.'

Mr. *Wandesford* reported from the lord chief justice Richardson, who said, 'Mr. Long did discourse of the place and house, but did not press the reading of the papers; neither knew he what was in the papers, nor doth he know of any thing to prove the persons Priests.'

Sir *T. Barrington* delivered the answer of justice Jones, who saith, 'That some papers were offered by Mr. Long, but he knew not the contents thereof, nor the reason why they were refused; but he came late for want of his health, and the second day was not there at all.'

Sir *Miles Fleetwood* delivered the answer of justice Whitlock, who said, 'He came late, and therefore understood not the business, and the second day was not there at all.'

Sir W. Constable delivered the like answer from justice Crooke.

Sir *T. Barrington* saith, 'That although Mr. Justice Jones did not write the name of my lord Richardson, yet in discourse he named him to be the man that did say, the point in proof is, whether priests or no priests.'

Sir *N. Rich.* 'Here is a charge of an high nature on the judges by Mr. Long; that now Mr. Long make good his charge, or suffer for it; for there were witnesses enough in the court.'—Ordered Mr. Long to be here on Thursday: also, That the justices, about the town, shall be required to deliver in all the names of the recusants remaining about the town, their conditions and of what country they be: also, That the gentlemen of the Inns of court and chancery, shall give in their knowledge what recusants are there.

On Wednesday the 18th of February, a public fast was kept by the house at Westminster, where were three sermons.

Debate on the Seizing of a Member's Goods for Tonnage.] Feb. 19. Mr. Dawes, one of the Customers, being called in to answer the point of privilege in taking Mr. Rolles's Goods, being a member of the house, saith, 'He took Mr. Rolles's goods by virtue of a commission under the great seal, and other warrants remaining in the hands of sir John Elliot: that he knew Mr. Rolles to be a parliament-man, and that Mr. Rolles demanded his privilege; but he did understand that this privilege extended only to his person, and not to his goods.' 'That he took those goods for such duties as were due in king James's time; and that the king sent for him on Sunday last, and commanded him to make no further answer.'

Mr. Carmarthen, another customer, called in, saith, 'That he knew Mr. Rolles to be a parliament-man, and that he told him he did not find any parliament-man exempted in their said commission; and if all the body of this house were in him, he would not deliver the goods; if he said he would not, it was because he could not.'

Mr. *Wandesford* moved, 'That the delinquency of these men may be declined for the present; and that we may, first, go to the king by way of Remonstrance, considering the matter from whence this doth arise; if there were a single privilege, it were easily determined.'

Mr. *Selden* 'If there be any near the king that misinterpret our actions, let the curse light on them, and not on us: I believe it is high time to right ourselves; and until we vindicate ourselves in this, it will be in vain for us to sit here.'

Sir *N. Rich* moveth, 'Not to proceed in this, until it be, by a select committee, considered of; in respect the king himself gave order to stay those goods, though the goods of a parliament-man.'

Sir *J. Elliot.* 'The heart-blood of the commonwealth receiveth life from the privilege of this house.'—It was resolved that this shall be presently taken into consideration; and being conceived a business of great consequence, it is ordered, that the house shall be resolved into a committee for the more freedom of debate.

Feb. 20. Sir J. Wolstenholme, another of the Customers, called in, saith, 'That he was commanded, from the king, to say, that the goods were taken for duties and no more; that he sought not to farm the customs, and told the king, being sent for to his maj. that he was not willing to deal therein, until the parliament had granted the same.'—Hereupon the Warrant, from the king to the Customers, was read in hæc verba:

"Carolus, Dei Gratia, &c. To the lord treasurer, chancellor, and barons of our exchequer, and to the Customers of our ports.

"Whereas the lords of our council, taking into consideration our revenue, and finding that Tunnage and Poundage is a principal revenue of our crown, and hath been continued many ages; have therefore ordered, that all those duties of subsidies, customs and imposts, as they were in the 21st year of king James our late royal father, and as they shall be appointed by us under our seal, be levied: know ye, That we, by the advice of the lords of our council, do declare our will hereby, That all those duties be levied and collected as they were in the time of our said father, and in such manner as we shall appoint. And if any person refuse to pay, then our will is, that the lords of the council and the treasurer shall commit to prison such so refusing, until they conform themselves. And we give full power to all our officers to

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receive, levy, and collect: and we command our barons and officers, from time to time, to give all assistance to the farmers of the same, as fully as when they were collected by authority of parliament."

Sir *H. May.* 'The king and council took notice, that this gentleman was a parliament-man; and it is the first time that, for the king's revenue and for duties, parliament-privileges ever held.'

Sir *P. Hayman.* 'Our mouths are stopped, if this be the king's revenue.'

Mr. *Selden* saith, 'That he conceiveth the case of the 3 customers, to differ in the degrees of their offences. 1. For sir J. Wolstenholme, whatever he saith here, he hath often confessed the goods were taken for Tunnage and Poundage; so that, as he broke the privilege in taking the goods, so likewise in his swearing one thing, and the contrary plainly appearing upon proof and his own confession, he plainly deserves punishment. 2. Mr. Dawes's case differeth only, in that sir J. Wolstenholme is a patentee, and Mr. Dawes only a sharer. 3. Mr. Carmarthen's case differeth in saying, 'If all the parliament were in him, he would not deliver the goods.'—Hereupon it was ordered, That Wolstenholme's case shall be first decided; and the point is, Whether by the lease, sir J. Wolstenholme having seized the goods, hath interest or not.'

Mr. *Glanvile.* 'Here is a sum of money advanced, a lease granted for certain years, and certain rent reserved; and though there be a covenant to those men, that if there be loss, it shall be abated, yet that cannot take away their interest.' The substance of the affidavit made by the customers in the exchequer, is, That the goods of the merchants seized by them, and remaining in the king's store-house, were seized only for duties to the king, mentioned in a commission under the king's signet; and that themselves, the customers, had no interest, nor pretence of interest therein.'

Feb. 21. Mr. *Littleton,* at the committee on the Complaint of the Merchants, argued, 'Whether a member of the house hath his goods privileged upon a prorogation, being seized for the king? All privileges are allowed for the benefit of the common-wealth; the parliament's privilege is above any other, and the parliament only can decide privilege of parliament, not any other judge or court. That a man may not distrain for rent in parliament time, but for all arrearages after the parliament he may distrain: he is not to be impleaded in any action personal, or his goods seized in the exchequer. Both by record and act of parliament, he is in the king's royal protection; that it might be high-treason to kill a parliament man; and the king answered it accordingly, which made it a law. For the judges to determine privilege of parliament, were to supersede and make void the law: and as to the Proclamation, the privilege stands good until the day of prorogation. The king is never so high in point of state, as in the parliament; cited in the case of sir R. Howard, in the high commission. And all privilege is good, unless in cases of high-treason, felony, or breach of the peace.'

Sir *R. Philips.* 'Thus you see how fast the prerogative of the king doth intrench on the liberty of the subject, and how hardly it is recovered. He then cited many precedents, wherein the goods of a member of parliament were privileged from seizure, in the exchequer. In 12 Eliz. it was resolved in parliament, That 20 days before, and 20 days after, was the time of privileges.'

Sir *H. May* desired, 'That, in this debate, we may tie ourselves to point of law and authority, and not to point of reason; and conceiveth that no privilege lieth against the king, in point of his duties and customs.'

Sir *F. Seymour.* 'I desire it may be the first debate, whether this case doth concern the king or not; for I conceive these customers have not made good that there is any right: here is art used only to intitle the king. I conceive it is an high offence, for any man to lay the scandal of every project upon the king.'

Mr. *Glanvile.* 'Here is a cunning affidavit in the exchequer, to intitle the king; a mere cunning project, and an offence of high nature, to shelter their projects under the command of the crown.'

Mr. Secretary *Cooke.* 'The point in question is, not the right of the subjects, but the right of the parliament's privilege, and that in the case of Mr. Rolles; and this is only now in question.'

Sir *J. Strangeways.* 'I know no reason, why we should draw a question upon ourselves, which we need not, especially between the king and us. I conceive it, plainly, that these customers took these goods in their own right, not in the king's; in this the privilege is plainly broken, which is easily determined.'

Mr. *Banks.* 'In this case there is no interposing of the king's right; and the king, by his proclamation, hath declared so much.—That the courts at Westminster do grant 12 days privilege to any man, to inform his counsel; much more the courts of parliament are to have their privilege. The king's command cannot authorize any man to break the privilege; no more than it will warrant an entry upon a man's land, without process of law.'

Mr. *Solicitor.* 'If he have no right, how can he make a lease? then this pretended right of the customers must needs be void: and therefore the goods must be taken, not in their own, but in the right of the king.'

Mr. *Selden.* 'If there were any right, the pretended right is in the subject. 1. Whether privilege in goods? 2. Whether the right were in the customers only? 3. Whether privilege against the king? 4. If the lords have no privilege in parliament for their goods, they have then no privilege at all; for they are privileged in their persons out of parliament.—For the point of interest, it is plain, no kind of covenant can alter the interest; and, questionless, had the case in the exchequer ap-

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peared to the barons, as it doth to us, they would never have proceeded as they did. If our goods may be seized into the exchequer, be it right or wrong, we had as good have none.'

Sir *N. Rich* said, 'It was recorded, the last session in the lords house; and he cited other precedents in this house, that the servant of a member of parliament ought to have privilege in his goods: the question being thus decided, certainly a parliament-man ought to have privilege in his goods.'

Mr. *Noy* saith, 'That these customers had neither commission nor command to seize; therefore, without doubt, we may proceed safely to the other question, that the privilege is broken by the customers, without relation to any commission or command of the king.'

Mr. Secretary *Cooke* saith, 'That it is in the commission to seize.'——But the commission being read, it was not found to be there.

Sir *H. May* saith, 'Mr. Daws mentioned that he seized these goods by virtue of a commission and other warrants, remaining in the hands of sir J. Elliot; that therefore the warrants may be seen, whether there be command to seize these goods or not.'

Sir *N. Rich.* 'This day's debate much rejoiceth me, especially the motion made by Mr. Noy; whereby it is plain we have a way open to go to this question, without relation to the king's commission or command; and I desire, in respect there appeareth nothing before us that doth incumber us, we may go to the question.'

Sir *H. May* again desireth these warrants may be looked into before we go to the question.

Mr. *Kirton* moved, 'That in respect this hon. gent. pressed this so far, the warrants may be read, that it may appear with what judgment this house hath proceeded.'

Mr. *Glanville.* 'I consent these warrants be sent for and read; but withal, if any thing arise that may produce any thing of ill consequence, let it be considered from whom it doth come. The privy-counsellors here are content with this motion.'—The Warrants being sent for and read, no commission to seize appeared therein.

Mr. *Kirton* said, 'If there be any thing of doubt, I desire these honourable persons may make their objections.'

Sir *H. May.* 'I rejoice when I can go to court able to justify your proceedings: I confess I see nothing now but that we may proceed safely to the question.

Secretary *Cooke* said as much.

Mr. *Hackwell* argued against privilege in the time of prorogation.

Mr. *Noy* saith, 'He made no doubt but privilege was in force in time of prorogation, until he heard this argument; and saith, he hath heard nothing from him yet that doth alter his opinion; and cited a case, where the lords house hath this very prorogation adjudged to be the privilege thereof.'

Mr. *Hackwell* answered, 'He is glad to hear it is so, and he is now of the same opinion.'—Then it was resolved, that Mr. Rolls ought to have privilege of parliament, for his goods seized 30 October, 5 Jan. last, and all since.

Feb. 23. Sir *H. May* said, 'I will never cease to give you the best advice I can. We all agree a wound is given. We have wine and oil before us: if we go to punish delinquency, there is vinegar in the wound; therefore think on some course to have restitution.'

Sir *John Elliot.* 'The question is, whether we shall first go to the restitution or to the point of delinquency; but some now raise up difficulties, in opposition to the point of delinquency; and talk of breach of parliaments; and other fears I meet with, both in this and elsewhere. Take heed you fall not on a rock: I am confident this would be somewhat difficult, were it not for the goodness and justice of the king. Let us do that which is just, and his goodness will be so clear, that we need not mistrust.—Let those terrors, that are threatened us, light on them that make them; why should we fear the justice of a king, when we do that which is just? let there be no more memory or fear of breaches, and let us now go to the delinquency of these men; and that is the only way to procure satisfaction.'

Mr. Secretary *Cooke* answered, 'That we laboured, the last day, to bring to our end; now we fall to this issue, to proceed to the delinquency of these men; our ground is, because they had no command from his majesty. I must speak plain; his maj. took notice of our labour, and that we endeavoured to sever the act of the Customers from his maj.'s command.—His maj. commanded me to tell you, that it concerns him in high degree of justice and honour, that truth be not concealed; which is, that what they did was by his own direct orders and command, or by order of the council-board, his maj. himself being present; and, therefore, would not have it divided from his act.'

Report concerning Privilege.] Report was made from the grand committee, that they took into their consideration the violation of the liberties of the house by the Customers; and at last they resolved, That a member of the house ought to have privilege of person and goods; and that the command of his maj. is so great, that they leave it to the house.

Mr. Secretary *Cooke* saith, 'That howsoever this house labours to sever the king's interest, his maj. thinks this distinction will not clear his honour: he is the fountain of honour, and he will not be drawn to do that which may touch him, though others may make distinctions.'

Sir *R. Philips.* 'I had rather pray to God to direct us than give any direction. The king's honour, justice, and government are now presented unto us, and also the essential liberty of this house; and we are now fit for debate

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or counsel, in the greatest concernments; our best thoughts and wits are summoned what to do.'

Hereupon the house was adjourned to the 25th; and upon that day the following Heads of Articles for Religion being presented to the house, were read: viz.

"HEADS of ARTICLES to be insisted on, and agreed upon, at a Sub-Committee for RELIGION.

"I. That we call to mind, how that, in the last session of this parliament, we presented to his maj. an humble Declaration of the great danger threatened to this church and state, by divers courses and practices tending to the change and innovation of religion. II. That what we then feared, we do now sensibly feel; and therefore have just cause to renew our former complaints herein.—III. That, yet nevertheless, we do, with all thankfulness, acknowledge the great blessing we have received from Almighty God, in setting a king over us, of whose constancy in the profession and practice of the true religion here established, we rest full assured; as likewise of his most pious zeal and careful endeavour for the maintenance and propagation thereof; being so far from having the least doubt of his majesty's remissness therein, that we, next under God, ascribe unto his own princely wisdom and goodness, that our holy religion hath yet any countenance at all amongst us.—IV. And for that the pious intention and endeavours, even of the best and wisest princes, are often frustrated through the unfaithfulness and carelessness of their ministers; and that we find a great unhappiness to have befallen his majesty this way; we think, that being now assembled in parliament to advise of the weighty and important affairs concerning church and state; we cannot do a work more acceptable, than, in the first place, according to the dignity of the matter, and necessity of the present occasions, faithfully and freely to make known, what we conceive may conduce to the preservation of God's religion, in great peril now to be lost; and, therewithal, the safety and tranquility of his majesty and his kingdoms now threatened with certain Dangers. For the clearer proceedings therein, we shall declare, 1. What those Dangers and Inconveniencies are. 2. Whence they arise. 3. In some sort, how they may be redressed.—The Dangers may appear partly from the consideration of the state of Religion abroad; and partly from the condition thereof within his majesty's own dominions, and especially within this kingdom of England. From abroad we make these observations: 1. By the mighty and prevalent party, by which true religion is actually opposed, and the contrary maintained. 2. Their combined counsels, forces, attempts, and practices, together with a most diligent pursuit of their designs, aiming at the subversion of all the Protestant churches in Christendom. 3. The weak resistance that is made against them. 4. Their victorious and successful enterprizes, whereby the churches of Germany, France, and other places, are in a great part already ruined, and the rest in the most weak and miserable condition.—In his majesty's own dominions, these: 1. In Scotland, the stirs lately raised and insolencies committed by the Popish party, have already not a little disquieted that famous church; of which, with comfort we take notice, his majesty hath expressed himself exceeding sensible; and hath accordingly given most royal and prudent directions therein. 2. Ireland is now almost wholly overspread with Popery, swarming with friars, priests, and jesuits, and other superstitious persons of all sorts; whose practice is daily to seduce his majesty's subjects from their allegiance, and to cause them to adhere to his enemies. That even in the city of Dublin, in the view of the state, where not many years since, as we have been credibly informed, there were few or none that refused to come to church, there are lately restored and erected for friars, jesuits, and idolatrous mass-priests, 13 houses, being more in number than the parish churches within that city; besides many more likewise erected in the best parts of the kingdom; and the people, almost wholly, revolted from our religion, to the open exercise of Popish superstition. The Danger from hence is further increased, by reason of the intercourse which the subjects, of all sorts, in that kingdom, have into Spain, and the Arch-Duchess's country; and that, of late, divers principal persons being Papists are trusted with the command of soldiers; and great numbers of the Irish are acquainted with the exercise of arms and martial discipline; which, heretofore, hath not been permitted, even in times of greatest security. Lastly. Here in England we observe an extraordinary growth of Popery, insomuch that in some counties, where in queen Elizabeth's time there were few or none known Recusants, now there are above 2000, and all the rest generally apt to revolt. A bold and open allowance of their religion, by frequent and public resort to mass, in multitudes, without controul, and that even to the queen's court; to the great scandal of his majesty's government. Their extraordinary insolence; for instance, the late erecting of a college of jesuits in Clerkenwell, and the strange proceedings thereupon used in favour of them. The subtile and pernicious spreading of the Arminian faction; whereby they have kindled such a fire of division in the very bowels of the state, as if not speedily extinguished, it is of itself sufficient to ruin our religion; by dividing us from the Reformed Churches abroad, and separating amongst ourselves at home, by casting doubts upon the religion professed and established; which, if faulty or questionable in three or four Articles, will be rendered suspicious to unstable minds, in all the rest; and incline them to Popery, to which those tenets, in their own nature, do prepare the way: so that if our re-

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ligion be suppressed and destroyed abroad, disturbed in Scotland, lost in Ireland, undermined and almost outdared in England, it is manifest that our Danger is very great and imminent.—The Causes of which Danger here, amongst divers others, we conceive to be chiefly these instanced in. 1. The suspension or negligence in execution of the laws against Popery. 2. The late proceedings against the college of Jesuits. 3. Divers letters sent by sir Rob. Heath, his majesty's attorney, into the country, for stay of proceedings against Recusants. 4. The publishing and defending points of Popery in sermons and books, without punishment; instance bishop Montague's 3 books, viz. 'The Gagg,' 'Invocation of Saints,' and his 'Appeal;' also Dr. Cosin's Horary, and the bishop of Gloucester's Sermons. 5. The bold and unwarranted introducing, practising, and defending of sundry new ceremonies, and laying of injunctions upon men by governors of the church and others, without authority, in conformity to the church of Rome; as for example, in some places erecting of altars, in others changing the usual and prescribed manner of placing the communion-table, and setting it at the upper end of the chancel, north and south, in imitation of the High Altar; by which they, also, call it, and adorn it with candlesticks, which, by the injunctions, 10 Eliz. were to be taken away; and do also make obeisance by bowing thereunto, commanding men to stand up at Gloria Patria; bringing men to question and trouble for not obeying that command for which there is no authority; injoining that no woman be churched without a veil; setting up of pictures, lights and images in churches; praying towards the East, crossing ad omnem motum & gestum. 6. The false and counterfeit conformity of Papists, whereby they do not only evade the law, but obtain places of trust and authority; instance Mr. Browne of Oxford, and his treatise written to that purpose; the bishop of Gloucester; and the now bishop of Durham. 7. The suppressing and restraint of the orthodox doctrine, contained in the Articles of Religion, confirmed in parliament, 13 Eliz. according to the sense which hath been received publickly, and taught as the doctrine of the church of England in those points, wherein the Arminians differ from us, and other the Reformed Churches; wherein the essence of our Articles, in those controverted points, is known and proved. 8. The publishing of books, and preaching of sermons, contrary to the former orthodox doctrine, and suppressing books written in defence thereof: instance bishop Montague's Gagg and Appeal, Mr. Jackson's Book of the Essence and Attributes of God, Dr. White's two sermons preached at court, one upon the 5th of Nov. the other on Christmas-Day last: and for orthodox books suppressed, instance in all that have been written against bishop Montague and Cosins, yea even bishop Carleton's Book. 9. That these persons who have published and maintained such Papistical, Arminian, and superstitious opinions and practices, who are known to be unsound in religion are countenanced, favoured and preferred: instance Mr. Montague made bishop of Chichester; also the late bishop of Carlisle, since his last Arminian Sermon preached at court, advanced to the bishoprick of Norwich; a known Arminian made bishop of Ely; the bishop of Oxford, a long-suspected Papist, advanced to the bishoprick of Durham; Mr. Cosins, advanced to dignity and a great living; Dr. Wren, made dean of Windsor, and one of the high commission court. 10. That some prelates near the king having gotten the chief administration of ecclesiastical affairs under his maj., discountenance and hinder the preferment of those that are orthodox, and favour such as are contrary; instance, the bishops of Winchester and London, in divers particulars.—The points wherein the Arminians differ from us, and other the Reformed Churches, in the sense of the Articles confirmed in parliament, 13 Eliz. may be known and proved in these controverted points, viz. 1. By the Common-Prayer, established in parliament. 2. By the book of Homilies, confirmed by the acts of religion. 3. By the Catechism concerning the points printed in the Bible, and read in churches, and divers other impressions published by authority. 4. Bishop Jewel's works, commanded to be kept in all churches, that every parish may have one of them. 5. The publick determination of divinity-professors, published by authority. 6. The publick determination of Divines in both the Universities. 7. The Resolution of the abp. of Canterbury, and other rev. bishops and divines assembled at Lambeth, for this very purpose, to declare their opinions concerning those points, Anno 1595, unto which the abp. of York and all his province did likewise agree. 8. The Articles of Ireland, tho' framed by the convocation there, yet allowed by the clergy and state here. 9. The suffrage of the British divines, sent by king James, to the synod of Dort. 10. The uniform consent of our writers published by authority. 11. The censures, recantations, punishments and submissions, made, enjoined, and inflicted upon those that taught contrary thereunto, as Barrow and Barrett in Cambridge, and Bridges in Oxford.—The remedy of which Abuses we conceive may be these. 1. Due execution of laws against Papists. 2. Exemplary punishments to be inflicted upon teachers, publishers, and maintainers of Popish opinions, and practising of superstitious ceremonies, and some stricter laws in that case to be provided. 3. The orthodox doctrine of our church, in these now controverted points by the Arminian sect, may be established and freely taught; according as it hath been hitherto generally received, without any alteration or innovation; and severe punishment, by the same laws to be provided against such as shall, either by word or writing, publish any thing contrary thereunto. 4. That the said books of Bp. Montague and Cosins may be burned. 5. That such as have

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been authors, or abettors, of those Popish and Arminian innovations in doctrine, may be condignly punished. 6. That some good order may be taken for licensing books hereafter. 7. That his maj. would be graciously pleased to confer bishopricks, and other ecclesiastical preferments, with advice of his privy council, upon learned, pious, and orthodox men. 8. That bishops and clergymen being well chosen, may reside upon their charge, and with diligence and fidelity perform their several duties, and that accordingly they may be countenanced and preferred. 9. That some course may, in this parliament, be considered of, for providing competent means to maintain a godly, able, minister in every parish-church of this kingdom. 10. That his maj. would be graciously pleased to make a special choice of such persons, for the execution of his ecclesiastical commissions, as are approved for integrity of life and soundness of doctrine."

Sir J. Elliot's Speech against the Lord Treasurer.] Immediately after the reading the above Articles, the king sent to command both houses to adjourn to Monday the 2d of March: On which day,

Sir *John Elliot*, after prayers were ended, and the house set, stood up and said, 'God knows I speak now with all duty to the king. It is true, the misfortunes we suffer are many; we know what discoveries have been made here in these Articles, and how Arminianism creeps in and undermines us, and how Popery comes in upon us. They mask not in strange disguises, but expose themselves to the view of the world. In the search of these, we have fixed our eyes, not on the actors, the Jesuits and Priests, but upon their masters, those that are in authority; thence it cometh we suffer; the fear of them makes those interruptions. You have some prelates that are their abettors: the great bishop of Winchester, we know what he hath done to favour them. This fear extends to some others, that contract a fear of being discovered; that is, the Lord Treasurer (Weston) in whose person all evil is contracted, both for the innovation of religion, and invasion of our liberties; he being the great enemy of the common-wealth. I have traced him in all his actions, and I find him building on those grounds laid by his master the Great Duke; he, secretly, is moving for this interruption; and from this fear they go about to break parliaments, lest parliaments should break them. I find him the head of all that party, the Papists; and all the Jesuits and Priests derive from him their shelter and protection. And I protest, as I am a gentleman, if my fortune be ever again to meet in this honourable assembly, where I now leave, I will begin again.'

The Speaker delivers the King's Message for a further Adjournment; which is not regarded by the House.] The Speaker, being set in the chair, delivered a Message from the king, commanding him, 'To adjourn the House until Tuesday come seven-night following.' To this several members objected, 'That it was not the office of the Speaker to deliver any such command unto them; for the adjournment of the house did properly belong unto themselves: and after they had settled some things they thought convenient to be spoken of, they would satisfy the king.'

Sir John Elliot offers a Remonstrance concerning Tunnage and Poundage.] Sir *John Elliot* said, 'That in the great business of Tunnage and Poundage, the instruments thereof were moved at the Lord Treasurer's command: who dismayed the merchants, invited strangers to come in to drive out our trade, and all to serve his own turn:' and thereupon offered a Remonstrance, which, being refused to be read both by the Speaker and Clerk, was restored to him again; and, by him, read in these words following:

"Most gracious sovereign; Your most loyal and dutiful subjects, the commons in this present parliament assembled, being in nothing more careful than of the honour and prosperity of your maj. and the kingdom; which depend upon that happy union and relation betwixt your maj. and your people, do with much sorrow apprehend, that by reason of the uncertainty of their continuance together, the unexpected interruptions which have been cast upon them, and the shortness of time in which your maj. hath determined to end this session, they cannot bring to maturity and perfection divers businesses of weight, which they have taken into their consideration and resolution, as most important for the common good.—Amongst other things they have taken into their especial care the preparing a bill for the granting to your maj. such a subsidy of Tunnage and Poundage, as might uphold your profit and revenue, in as ample manner, as their just care and respect for trade (wherein not only the prosperity, but even the life of the kingdom doth consist) would permit; but being a work, which will require much time and preparation by conference with your majesty's officers, and with the merchants not only of London, but of other remote parts, they find it not possible to be accomplished at this time. Wherefore, considering it will be much more prejudicial to the right of the subjects, if your maj. should continue to receive the same without authority of law, after the determination of a session, than if there had been a recess by adjournment only; (in which case that intended grant would have related to the first day of the parliament) and assuring themselves, that your maj. is resolved to observe that your royal Answer, which you lately made to the petition of both houses of parliament: yet doubting lest your maj. may be misinformed concerning this particular case, as if you might continue to take the subsidies of Tunnage and Poundage, and other impositions upon merchants, without breaking that Answer; they are forced, by that duty which they owe to your maj. and to those whom they represent, to declare, "That there ought not any imposition to be laid upon the Goods of

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Merchants exported or imported, without common consent by act of parliament: which is the right and inheritance of your subjects, grounded not only upon the most antient and original constitution of this kingdom, but often confirmed and declared in divers statutes and laws." And for the better manifestation thereof, may it please your maj. to understand, That although your royal predecessors, the kings of this realm, have often had such subsidies and impositions granted unto them upon divers occasions, especially for the guarding of the seas, and safe-guard of merchants; yet the subjects have been ever careful to use such cautions and limitations in those grants, as might prevent any claim to be made that such subsidies do proceed from duty, and not from the free gift of the subject; and that they have, heretofore, used to limit a time in such grants, and for the most part but short, as for a year or two. And, if it were continued longer, they have sometimes directed a certain space of cessation or intermission; that so the right of the subject might be more evident at all other times. It hath been granted, upon occasions of war, for a certain number of years; with proviso, that if the war ended in the mean time, then the grant should cease; and, of course, it hath been sequestered into the hands of some subjects, to be imployed for the guarding of the coasts and narrow seas. And it is acknowledged, by the ordinary answers of your majesty's predecessors in their assents to the bills of subsidies, proceeding from the good-will of the subjects: very few of your predecessors had it for life until the reign of Henry 7. who was so far from conceiving that he had any right thereunto, that although he granted commissions for the collecting of certain duties and customs due by law, yet he made no commissions for receiving of the subsidies of Tunnage and Poundage, until the same was granted unto him in parl.—Since his time, all the kings and queens of this realm have had the like grants for life, by the free love and good will of the subject; and whensoever the people have been grieved by laying any impositions or other charges upon their Goods or Merchandizes, without authority of law; (which hath been very seldom) yet upon complaint in parliament, they have been forthwith relieved; saving in the time of your royal father, who (having, through ill advice, raised the rates and charges upon merchandizes to that height, at which they now are) was yet pleased so far to yield to the complaint of his people, as to offer, That if the value of those impositions which he had set might be made good unto him, he would bind himself and his heirs by act of parliament never to lay any other; which offer the commons at that time, in regard of the great burden, did not think fit to yield unto.—Nevertheless your loyal commons in this parliament, out of their especial zeal to your service, and special regard of your pressing occasions, have taken into their considerations, so to frame a grant of Subsidy of Tunnage and Poundage to your maj. that you might have been the better enabled for the defence of your realm; and your subjects, by being secured from all undue charges, be the more encouraged, chearfully to proceed in their course of trade; by the increase whereof your majesty's profit, and likewise the strength of the kingdom would be very much augmented: but not being, now, able to accomplish this their desire, there is no course left unto them, without manifest breach of their duty both to your maj. and their country, save only to make this humble Declaration, That the receiving of Tunnage and Poundage, and other Impositions, not granted by parliament, is a breach of the fundamental liberties of this kingdom, and contrary to your majesty's royal Answer to the Petition of Right.' And therefore, they most humbly beseech your maj. to forbear any further receiving of the same; and not to take it in ill part from those of your majesty's loving subjects, who shall refuse to make payment of any such charges, without warrant of law demanded. And as, by this forbearance, your most excellent maj. shall manifest unto the world your royal justice in the observation of your laws; so they doubt not but hereafter, at the time appointed for their coming again, they shall have occasion to express their great desire to advance your majesty's honour and profit."

The Speaker refuses to put the Question; and, offering to leave the House, is held in the Chair.] This was again offered to be put to the question; but the Speaker said, "He was commanded otherwise by the king." To this Mr. Selden answered, 'Mr Speaker, if you will not put the question, which we command you, we must sit still; and so we shall never be able to do any thing. We sit here by command from the king, under the great seal; and as for you, you are, by his majesty, sitting in his royal chair before both houses, appointed our Speaker: and do you now refuse to be a speaker?' The Speaker replied, "He had an express command from the king, so soon as he had delivered his Message, to rise." And, thereupon, he rose and left the chair; but was drawn to it again, by Mr. Holles, son to the earl of Clare, Mr. Valentine, and other members. Mr. Hollis (notwithstanding sir Tho. Edmonds, and other privy councellors, endeavoured to free the Speaker) swore, "God's wounds," "He should sit still, till it pleased them to rise." Then the Speaker, with abundance of tears, answered, "I will not say, I will not, but I dare not;" desiring that they would not command his ruin therein, in regard he had been their faithful servant, and would sacrifice his life for the good of his country; but he durst not sin against the express command of his sovereign.

Mr. *Selden* replied, 'That he ever loved his person well, but he could not choose but much blame him now: that he, being the servant of the house, should refuse their command, under any colour; and that his obstinacy would be a precedent to posterity, if it should go unpunished: for that hereafter, if we should meet

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with a dishonest Speaker (as we cannot promise ourselves to the contrary) he might, under pretence of the king's command, refuse to propose the business and intendment of the house: and therefore wished him to proceed; which he, still, refused with extremity of weeping and supplicatory orations.'

Sir *Peter Hayman*, a gentleman of his own county (Kent) told him, 'He was sorry he was his kinsman, for that he was the disgrace of his country, and a blot of a noble family; and that all the inconveniences that should follow (yea their destruction) should be derived to posterity, as the issue of his baseness, by whom he should be remembered with scorn and disdain; and that he, for his part, since he would not be persuaded to do his duty, thought it fit he should be called to the bar, and a new Speaker chosen.'

Protestation of the Commons.] In the mean time, since neither advice nor threats could prevail, Mr. Hollis was required to read certain Articles as the Protestation of the house; which, jointly as they were read, were allowed with a loud voice by the house: the effect of which Articles are as followeth, viz. "1. Whoever shall bring in innovation in Religion, or by favour seek to extend or introduce Popery or Arminianism, or other opinions disagreeing from the true and orthodox church, shall be reputed a capital enemy to this kingdom and commonwealth. 2. Whosoever shall counsel, or advise, the taking and levying of the subsidies of Tunnage and Poundage, not being granted by parliament; or shall be an actor or instrument therein, shall be likewise reputed an innovator in the government, and a capital enemy to this kingdom and commonwealth. 3. If any merchant or other person whatsoever, shall voluntarily yield or pay the said subsidies of Tunnage and Poundage, not being granted by parliament; he shall likewise be reputed a betrayer of the liberty of England, and an enemy to the same."

The King sends the Black Rod and threatens to force the Door of the H. of Commons.] These being read and allowed of, the house rose up, after they had sitten down two hours; and in the mean time, the king hearing that the house continued to sit, notwithstanding his command for the adjourning the house, sent a messenger for the serjeant with his mace; which being taken from the table, there can be no further proceedings: but the serjeant was, by the house, stayed; and the key of the door taken from him, and given to a member of the house to keep.—The king sent Mr. Maxwell for the dissolution of the parliament with his Black Rod; but being informed, that neither he nor his Message would be received by the house, he grew into much rage; and sent for the captain of the pensioners and guard to force the door; but the rising of the house, which was adjourned to the 10th of March, prevented the inconveniences and mischiefs that thereon might have ensued.

The King's Speech at the Dissolution of the Parliament.] March 10. The king came to the house of lords, the peers being in their robes, and many of the commons being at the bar of that house; and spake as followeth:—

"My Lords, I never came here upon so unpleasing an occasion, it being for the Dissolution of the Parliament; therefore many may wonder, why I did not rather choose to do this by commission; it being a general maxim of kings, to lay harsh commands by their ministers, themselves only executing pleasing things. But considering that justice is as well answered in commending and rewarding of virtue, as punishing of vice, I thought it necessary to come here this day; to declare to you, my lords, and all the world, that it was only the disobedient carriage of the lower-house that hath caused this dissolution at this time; and that you, my lords, are so far from being causers of it, that I have as much comfort in your lordships carriage towards me, as I have cause to distaste their proceedings. Yet, that I may be clearly understood, I must needs say, that they do mistake me wonderfully, that think I lay the fault equally upon all the lower-house; for as I know there are many as dutiful and loyal subjects as any are in the world; so I know that it was only some vipers amongst them, that had cast this mist of difference before their eyes; although there were some amongst them, that would not be infected with this contagion; insomuch, that some by their speaking (which indeed was the general fault of the house on the last day) did shew their obedience. To conclude, my lords, as those evil-affected persons must look for their rewards, so you that are here of the higher-house, may justly claim from me that protection and favour, that a good king oweth to his loyal and faithful nobility. And now, my lord keeper, do what I have commanded you."

Then the lord keeper said, "My lords, and gentlemen of the house of commons, the king's majesty doth dissolve this parliament."

The King's Declaration of the Causes of the Dissolution.] Soon after the Dissolution of the Parliament, the following Declaration appeared:—

"His MAJESTY'S DECLARATION to all his loving Subjects, of the Causes which moved him to dissolve the last Parliament, March 10, 1628.

"Howsoever princes are not bound to give account of their actions, but to God alone; yet, for the satisfaction of the minds and affections of our loving subjects, We have thought good to set down thus much by way of Declaration, that we may appear to the world in the truth and sincerity of our actions, and not in those colours in which we know some turbulent and ill-affected spirits (to masque and disguise their wicked intentions, dangerous to the state) would represent us to the public view.—We assembled our parliament the 17th of March, in the 3rd year of our reign, for the safety of religion, for securing our kingdoms and subjects

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at home, and our friends and allies abroad. And therefore at the first sitting down of it, we declared the miserable afflicted estate of those of the reformed religion in Germany, France, and other parts of Christendom; the distressed extremities of our dearest uncle, the king of Denmark, chased out of a great part of his dominions; the strength of that party which was united against us; that (besides the Pope and the House of Austria, and their ancient confederates) the French king professed the rooting out of the Protestant religion; that, of the princes and states of our party, some were over-run, others diverted, and some disabled to give assistance. For which, and other important motives, we propounded a speedy supply of treasure, answerable to the necessity of the cause.—These things, in the beginning, were well resented by the house of commons, and with so much alacrity and readiness, that they agreed to grant a liberal Aid; but before it was brought to any perfection, they were diverted by a multitude of questions raised amongst them, touching their liberties and privileges, and by other long disputes, that the bill did not pass in a long time; and by that delay, our affairs were put into a far worse case than at the first; our foreign actions then in hand, being thereby disgraced and ruined, for want of timely help.—In this, as we are not willing to derogate from the merit and good intentions of those wise and moderate men of that house (to whose forwardness we attribute it, that it was propounded and resolved so soon) so we must needs say, that the delay of passing it when it was resolved, occasioned by causeless jealousies, stirred up by men of another temper, did much lessen both the reputation and reality of that Supply. And their spirit infused into many of the commissioners and assessors in the country, hath returned up the subsidies in such a scanty proportion, as is infinitely short, not only of our great occasions, but of the precedents of former Subsidies, and of the intentions of all well-affected men in that house.—In those large disputes, as we permitted many of our high prerogatives to be debated, which in the best times of our predecessors had never been questioned, without punishment or sharp reproof; so we did endeavour to have shortened those debates, for winning of time, which would have much advantaged our great affairs, both at home and abroad. And therefore, both by speeches and messages, we did often declare our gracious and clear resolution, to maintain not only the parliament, but all our people, in their antient and just Liberties, without either violation or diminution; and in the end, for their full satisfaction and security, did, by an Answer, framed in the form by themselves desired, to their parliamentary Petition confirm their antient and just Liberties and Rights, which we resolve, with all constancy and justice to maintain.—This parliament, howsoever, besides the settling our necessary Supply, and their own Liberties, wasted much time in such proceedings (blasting our government, as we are unwilling to remember) yet we suffered them to sit, until themselves desired us to appoint a time for their recess, not naming either adjournment or prorogation.—Whereupon by advice of our council, we resolved to prorogue and make a session; and to that end prefixed a day, by which they might (as was meet in so long a sitting) finish some profitable and good laws; and withal gave order for a gracious pardon to all our subjects; which, according to the use of former parliaments, passed the higher house, and was sent down to the commons. All which being graciously intended by us, was ill entertained by some disaffected persons of that house, who by their artifices, in a short time, raised so much heat and distemper in the house, for no other visible cause, but because we had declared our resolution to prorogue, as our council advised, and not to adjourn, as some of that house (after our resolution declared, and not before) did manifest themselves to affect; that seldom hath greater passion been seen in that house upon the greatest occasions. And some glances in the house, but upon open rumours abroad, were spread, That by the Answer to that Petition, we had given away, not only our impositions upon goods exported and imported, but the Tunnage and Poundage; whereas in the debate and hammering of that Petition, there was no speech or mention in either house concerning those impositions, but concerning Taxes and other Charges within the land; much less was there any thought thereby to debar us of Tunnage and Poundage, which, both before and after the Answer to that Petition, the house of commons, in all their speeches and treaties, did profess they were willing to grant. And at the same time, many other misinterpretations were raised of that Petition and Answer, by men not well distinguishing between well-ordered liberty, and licentiousness; as if by our Answer to that Petition, we had let loose the reins of our government. And in this distemper the house of commons, laying aside the Pardon, (a thing never done in any former parliament) and other business fit to have been concluded in that session, some of them went about to frame and contrive a Remonstrance against our receiving of Tunnage and Poundage; which was so far proceeded in, the night before the prefixed time for concluding the session, and so hastened by the contrivers thereof, that they meant to have put it to the vote of the house the next morning, before we should prorogue that session. And therefore finding our gracious favours in the session afforded to our people, so ill requited, and such sinister strains made upon our Answer to that Petition, to the diminution of our profit, and (which was more) to the danger of our government; we resolved to prevent the finishing of that Remonstrance, and other dangerous intentions of some ill-affected persons; by ending the session the next morning, some few hours sooner than was expected; and by

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our own mouth to declare to both houses the cause thereof; and for hindring the spreading of those sinister interpretations of that Petition and Answer, to give some necessary directions for settling and quieting our government, until another meeting, which we performed, accordingly, the 26th of June last. The session thus ended, and the parliament risen, that intended Remonstrance gave us occasion to look into the business of Tonnage and Poundage. And therefore, though our necessities pleaded strongly for us, yet we were not apt to strain that point too far, but resolved to guide ourself by the practice of former ages, and examples of our most noble predecessors; thinking those counsels best warranted, which the wisdom of former ages, concurring with the present occasions, did approve; and therefore gave order for a diligent search of records: upon which it was found, that although in the parliament holden in the first year of the reign of Edw. 4. the Subsidy of Tonnage and Poundage was not granted unto that king, but was first granted unto him by parliament in the third year of his reign; yet the same was accounted and answered to that king, from the first day of his reign, all the 1st and 2nd years of his reign, and until it was granted by parliament. And that in the succeeding times of Rich. 3. Hen. 7. Hen. 8. Edw. 6. queen Mary and Eliz. the Subsidy of Tunnage and Poundage was not only enjoyed by every of those kings and queens, from the death of each of them deceasing, until it was granted by parliament unto the successor; but in all those times, being for the most part peaceable, and not burdened with like charges and necessities, (as these modern times) the parliament did most readily and cheerfully, in the beginning of every of those reigns, grant the same, as a thing most necessary for the guarding of the seas, the safety and defence of the realm, and the support of the royal dignity. And in the time of our royal father of blessed memory, he enjoyed the same a full year, wanting very few days, before his parliament began, and above a year before the act of parliament for the grant of it was passed. And yet when the parliament was assembled, it was granted without difficulty. And in our own time, we quietly received the same 3 years and more, expecting with patience, in several parliaments, the like grant thereof, as had been made to so many of our predecessors; the house of commons still professing, that multitude of other businesses, and not want of willingness on their part, had caused the settling thereof to be so long deferred. And therefore finding so much reason and necessity, for the receiving of the ordinary duties in the custom-house, to concur with the practice of such a succession of kings and queens, famous for wisdom, justice, and government; and nothing to the contrary, but that intended Remonstrance, hatched out of the passionate brains of a few particular persons; we thought it was so far from the wisdom and duty of a house of parliament, as we could not think, that any moderate and discreet man, (upon composed thoughts, setting aside passion and distemper) could be against receiving of Tunnage and Poundage; especially since we do, and still must pursue those ends, and undergo that charge, for which it was first granted to the crown: it having been so long and constantly continued to our predecessors, as that in 4 several acts of parliament, for the granting thereof to Edw. 6. queen Mary, queen Eliz. and our blessed father; it is, in express terms, mentioned to have been had and enjoyed by the several kings named in those acts, time out of mind, by authority of parliament. And therefore upon these reasons, we held it agreeable to our kingly honour, and necessary for the safety and good of our kingdom, to continue the receipt thereof, as so many of our predecessors had done. Wherefore when a few merchants (being at first but one or two) fomented, as it is well known, by those evil spirits, that would have hatched that undutiful Remonstrance, began to oppose the payment of our accustomed duties in the custom-house, we gave order to the officers of our customs to go on, notwithstanding that opposition, in the receiving of the usual duties; and caused those, that refused, to be warned to attend at the council-board, that by the wisdom and authority of our council, they might be reduced to obedience and duty; where some of them, without reverence or respect to the honour and dignity of that presence, behaved themselves with so much boldness and insolency of speech, as was not to be endured by a far meaner assembly; much less to be countenanced by a house of parliament, against the body of our privy council.—And as in this we did what in reason and honour was fit for the present, so our thoughts were daily intentive upon the re-assembling of our parliament; with full intention, on our part, to take away all ill understanding between us and our people; whose love, as we desired to continue and preserve, so we used our best endeavours to prepare and facilitate the way to it. And to this end, having taken a strict and exact survey of our government, both in the church and commonwealth, and what things were most fit and necessary to be reformed: we found in the first place, that much exception had been taken at a book, entituled "Appello Cæsarem," or "An Appeal to Cæsar;" and published in 1625 by R. Montague, then batchelor of divinity, and now bishop of Chichester; and because it did open the way to those schisms and divisions, which have since ensued in the church, we did, for remedy and redress thereof, and for the satisfaction of the consciences of our good people, not only by our public proclamation, call in that book, which ministered matter of offence; but to prevent the like dangers hereafter, reprinted the Articles of Religion established in the time of queen Eliz. and by a Declaration before those Articles, we did tie and restrain all opinions to the sense of those Articles, that nothing might be left for private fancies and in-

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novations. For, we call God to record, before whom we stand, that it is, and always hath been, our hearts desire to be found worthy of that title, which we account the most glorious in all our crown, "Defender of the Faith." Neither shall we ever give way to the authorising of any thing, whereby any innovation may steal or creep into the church; but to preserve that unity of doctrine and discipline, established in the time of queen Eliz. whereby the church of England hath stood and flourished ever since.—And as we were careful to make up all breaches and rents in religion at home, so did we, by our proclamation and commandment, for the execution of laws against priests, and popish Recusants, fortify all ways and approaches against that foreign enemy: which if it have not succeeded according to our intention, we must lay the fault where it is, in the subordinate officers and ministers in the country, by whose remissness, Jesuits and priests escape without apprehension; and Recusants from those convictions and penalties, which the law and our commandment would have inflicted on them. For we do profess, that as it is our duty, so it shall be our care, to command and direct well; but it is the part of others to perform the ministerial office. And when we have done our office, we shall account ourself, and all charitable men will account us innocent, both to God and men. And those that are negligent, we will esteem as culpable both to God and us; and therefore will expect, that hereafter they give us a better account.—And, as we have been careful for the settling of Religion, and quieting the church; so were we not unmindful of the preservation of the just and antient Liberties of our subjects, which we secured to them by our gracious Answer to their Petition in parliament; having not since that time done any act whereby to infringe them. But our care is, and hereafter shall be, to keep them intire and inviolable, as we would do our own right and sovereignty, having for that purpose enrolled the Petition and Answer in our courts of justice.—Next to the care of Religion, and of our subjects Rights, we did our best for the provident and well-ordering of that Aid and Supply, which was granted us the last session; whereof no part hath been wastefully spent, nor put to any other use, than those for which it was desired and granted; as, upon payment of our fleet and army; wherein our care hath been such as we chose rather to discontent our dearest friends and allies, and our nearest servants, than to leave our soldiers and mariners unsatisfied, whereby any vexation or disquiet might arise to our people. We have also, with part of those monies, begun to supply our magazines, and stores of munition, and to put our navy into a constant form and order. Our fleet likewise is fitting, and almost in readiness, whereby the narrow seas may be guarded, commerce maintained, and our kingdom secured from all foreign attempts. These acts of ours might have made this impression in all good minds, that we were careful to direct our counsels, and dispose our actions, as might most conduce to the maintenance of religion, the honour of our government, and the safety of our people. But with mischievous men once ill-affected, 'seu bene, seu male, facta premunt;' and whatsoever once seemed amiss, is ever remembered; but good endeavours are never regarded.—Now all these things that were the chief Complaints the last session, being by our princely care so seriously reformed, the parliament re-assembled the 20th of Jan. last. We expected, according to the candour and sincerity of our own thoughts, that men would have framed themselves for the effecting of a right understanding between us and our people. But some few malevolent persons, like empiricks and lewd artists, did strive to make new work, and to have some disease on foot, to keep themselves in request, and to be employed and entertained in the cure. And yet, to manifest how much offences have been diminished, the committees for Grievances, committees for Courts of Justice, and committees for Trade, have, since the sitting down of the parliament, received few Complaints; and those such, as they themselves have not thought to be of that moment or importance, with which our ears should be acquainted.—No sooner therefore was the parliament set down, but these ill-affected men began to sow and disperse their jealousies, by casting out some glances and doubtful speeches, as if the subject had not been so clearly and well dealt with, touching their Liberties, and touching the Petition answered the last parliament. This being a plausible theme, thought on for an ill purpose, easily took hold on the minds of many, that knew not the practice. And thereupon the 2nd day of the parliament, a committee was appointed to search, Whether the Petition and our Answer thereunto were enrolled in the parliament roll, and in the courts at Westminster, and in what manner the same was done. And a day also was then appointed, on which the house being resolved into a committee, should take into consideration those things, wherein the Liberty of the Subject had been invaded, against the Petition of Right. This, though it produced no other effect of moment or importance, yet was sufficient to raise a jealousy against our proceedings, in such as were not well acquainted with the sincerity and clearness of them. There followed another of no less skill; for although our proceedings before the parliament, about matters of Religion, might have satisfied any moderate men of our zealous care thereof, (as we are sure it did the most) yet as bad stomachs turn the best things into their own nature, for want of good digestion; so those distempered persons have done the like of our good intents, by a bad and sinister interpretation: for when they did observe, that many honest and religious minds in that house did complain of those dangers that did threaten the Church; they likewise took the same word in their mouth, and their cry like-

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wise was, "Templum Domini," "Templum Domini," when the true care of the Church never came into their hearts: and what the one did out of zeal unto religion, the other took up as a plausible theme, to deprave our government; as if we, our clergy, and council, were either senseless or careless of religion. And this wicked practice hath been, to make us seem so to walk before our people, as if we halted before God.—Having, by these Artifices, made a jealous impression in the hearts of many; and a day being appointed to treat of the grant of Tunnage and Poundage, at the time prefixed, all expressed great willingness to grant it. But a new strain was found out, that it could not be done without great peril to the right of the subject, unless we should disclaim any right therein, but by grant in parliament, and should cause all those goods to be restored, which, upon commandment from us or our council, were stayed by our officers, until those duties were paid; and consequently should put ourselves out of the possession of Tunnage and Poundage, before they were granted; for else, it was pretended, the subject stood not in fit case to grant it. A fancy and cavil raised of purpose to trouble the business; it being evident, that all the kings before-named did receive that duty, and were in actual possession of it, before, and at the very time, when it was granted to them by parliament. And although we, to remove all difficulties, did from our own mouth, in those clear and open terms that might have satisfied any moderate and well-disposed minds, declare, That it was our meaning, by the gift of our people to enjoy it; and that we did not challenge it of right, but took it de bene esse, shewing thereby, not the right but the necessity by which we were to take it, (wherein we descended, for their satisfaction, so far beneath ourself, as we are confident, never any of our predecessors did the like, nor was the like ever required or expected from them.) Yet for all this, the bill of Tunnage and Poundage was laid aside, upon pretence they must first clear the right of the subject therein; under colour whereof, they entertain the Complaints, not only of John Rolles, a member of their house, but also of Rd. Chambers, John Fowkes, and Bart. Gilman, against the officers of our Customs, for detaining their Goods, upon refusal to pay the ordinary duty, accustomed to be paid for the same. And upon these complaints, they send for the officers of the customs, enforcing them to attend, day after day, by the space of a month together; they cause them to produce their letters patent under our great seal, and the warrants made by our privy council, for levying of those duties, They examine the officers upon what questions they please, thereby to entrap them for doing our service and commandment. In these and other their proceedings, because we would not give the least shew of interruption; we endured long, with much patience, both these, and sundry other strange and exorbitant incroachments and usurpations, such as were never before attempted in that house.—We are not ignorant how much that house hath, of late years, endeavoured to extend their privileges by setting up general committees for Religion, for courts of Justice, for Trade, and the like; a course never heard of until of late: so as, where in former times, the knights and burgesses were wont to communicate to the house such business as they brought from their countries; now there are so many chairs erected, to make enquiry upon all sorts of men, where Complaints of all sorts are entertained, to the unsufferable disturbance and scandal of justice and government; which having been tolerated a while by our father and ourself, hath daily grown to more and more height; insomuch that young lawyers sitting there, take upon them to decry the Opinions of the Judges; and some have not doubted to maintain, That the resolutions of that house must bind the Judges, a thing never heard of in ages past. But in this last assembly of parl. they have taken on them much more than ever before. —They sent messengers to examine our attorney general, (who is an officer of trust and secrecy) touching the execution of some commandments of ours, of which, without our leave first obtained, he was not to give account to any but ourself. They sent a captious and directory Message to the lord treasurer, chancellor, and barons of the exchequer, touching some judicial proceedings of theirs in our court of exchequer.—They sent messengers to examine upon sundry questions, our two chief justices, and 3 other of our judges, touching their judicial proceedings at the gaol-delivery at Newgate, for which they are not accountable to the house of commons.—And whereas suits were commenced in our court of Star-Chamber, against Rd. Chambers, John Fowkes, Barth. Gilman, and Rd. Philips, by our attorney general, for great misdemeanors; they resolved, that they were to have privilege of parliament against us for their persons, for no other cause, but because they had petitions depending in that house; and (which is more strange) they resolved, That a signification should be made from that house, by a letter, to issue under the hand of their Speaker, unto the lord keeper of our great seal, that no attachments should be granted out against the said Chambers, Fowkes, Gilman, or Philips, during their said privilege of parliament. Whereas it is far above the power of that house, to give direction to any of our courts at Westminster, to stop attachments against any man, though never so strongly privileged; the breach of privilege being not in the court that grants, but in the party or minister that puts in execution such attachments. And therefore, if any such letter had come to the lord keeper, as it did not, he should have highly offended us if he had obeyed it. Nay, they went so far, as they spared not the honour of our council board; but examined their proceedings in the case of our customers, interrogating what this or that man of our council said, in direction of them in the business committed to their charge. And when one of the

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members of that house, speaking of our counsellors, said, 'we had wicked counsel;' and another said, 'That the council and Judges sought to trample under feet the Liberty of the Subject;' and a third traduced our court of Star-Chamber, for the sentence given against Savage, they passed without check or censure by the house. By which may appear, how far the members of that house have of late swollen beyond the rules of moderation, and the modesty of former times; and this under pretence of privilege and freedom of speech, whereby they take liberty to declare against all authority of council and courts, at their pleasure. —They sent for our sheriff of London to examine him in a cause, whereof they had no jurisdiction; their true and autient jurisdiction extending only to their own members and to the conservation of their privileges; and not to the censure of foreign persons and causes, which have no relation to their privileges, the same being but a late innovation. And yet upon an enforced strain of a contempt, for not answering to their satisfaction, they commit him to the Tower of London; using that outward pretext for a cause of committing him, the true and inward cause being, for that he had shewed himself dutiful to us and our commandment, in the matter concerning our customs.—In these innovations (which we will never permit again) they pretended indeed our service; but their drift was, to break by this means through all respects and ligaments of government; and to erect an universal overswaying power to themselves, which belongs only to us, and not to them.—Lastly, in their proceeding against our Customers, they went about to censure them as delinquents, and to punish them, for staying some goods of some factious merchants, in our store-house, for not paying those duties which themselves had formerly paid; and which the customers, without interruption, had received of all other merchants, many years before; and to which they were authorised, both by our great seal, and by several directions and commandments from us and our privy council.—To give some colour to their proceedings herein, they went about to create a new privilege, (which we will never admit) That a parliament-man hath privilege for his Goods against the king; the consequence whereof would be, That he may not be constrained to pay any duties to the king, during the time of privilege of parliament. It is true, they would have this case to have been between the merchants, and our farmers of our Customs, and have severed them from our interest and commandment, thereby the rather to make them liable to the censure and punishment of that house. But on the other side, we holding it both unjust and dishonourable, to withdraw ourself from our officers, in any thing they did by our commandment; or to disavow any thing that we had enjoined to be done; upon Monday the 23d of Feb. we sent a Message unto them by secretary Cooke, thanking them for the respect they had shewed in severing the interest of our farmers from our own interest and commandment: but that, nevertheless we were bound, in honour, to acknowledge a truth, that what was done by them, was done by our expres commandment and direction; and if for doing thereof our farmers should suffer, it would highly concern us in honour. Which Message was no sooner delivered unto them, but in a tumultuous and discontented manner, they called, 'Adjourn', 'Adjourn.' And thereupon, without any cause given on our part, in a very unusual manner, adjourned until the Wednesday following.—On which day, by the uniform wisdom of our privy council, we caused both houses to be adjourned until the 2nd of March; hoping that in the mean time, a better and more right understanding might be begotten between us and members of that house; whereby the parliament might come to an happy issue.—But understanding, by good advertisement, that their discontent did not in that time digest and pass away; we resolved to make a second adjournment, until the 10th of March; which was done, as well to take time to our self, to think of some means to accomodate those difficulties, as to give them time to advise better; and accordingly, we gave commandment for a second adjournment in both houses, and for cessation of all busines till the day appointed; which was very dutifully obeyed in the higher house, no man contradicting or questioning it. But when the same commandment was delivered in the house of commons by their Speaker, it was straitways contradicted; and although the Speaker declared unto them, It was an absolute right and power in us to adjourn, as well as to prorogue or dissolve; and declared and read unto them divers precedents of that house, to warrant the same; yet our commandment was most contemptuously disobeyed; and some rising up to speak, said, 'They had business to do before the house should be adjourned.'—Whilst the duke of Buckingham lived, he was charged with all the distempers and ill events of former parliaments; and therefore much endeavour was used to demolish him, as the only wall of separation between us and our people. But now he is dead, no alteration was found amongst those envenomed spirits, which troubled, then, the blessed harmony between us and our subjects, and continue still to trouble it. For, now, under the pretence of public care of the common-wealth, they suggest new and causeless fears, which in their own hearts they know to be false; and devise new enginos of mischief, so to cast a blindness upon the good affections of our people, that they may not see the truth and largeness of our hearts towards them. So that now it is manifest, the duke was not alone the mark these men shot at, but was only as a near minister of ours, taken up, on the by, and in their passage to their more secret designs; which were only to cast our affairs into a desperate condition, to abate the powers of our crown, and to bring our government into obli-

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quy; that, in the end, all things may be overwhelmed with anarchy and confusion.—We do not impute these disasters to the whole house of commons, knowing that there were amongst them many religious, grave, and well-minded men; but the sincerer and better part of the house was over-borne by the practices and clamours of the other, who, careless of their duties, and taking advantage of the times and our necessities, have enforced us to break off this meeting; which, had it been answered with like duty on their parts, as it was invited and begun with love on ours, might have proved happy and glorious, both to us and this whole nation.—We have thus declared the manifold Causes we had, to dissolve this parliament, whereby all the world may see, how much they have forgotten their former engagements at the entry into the war, themselves being persuaders to it; promising to make us feared by our enemies, and esteemed by our friends: and how they turned the necessities grown by that war, to enforce us to yield to conditions incompatible with monarchy.—And now that our people may discern, that these provocations of evil men (whose punishments we reserve to a due time) have not changed our good intentions to our subjects, we do here profess to maintain the true Religion and doctrine, established in the church of England, without admitting or conniving at any backsliding, either to popery or schism. We do also declare, That we will maintain the antient and just rights and liberties of our subjects, with so much constancy and justice, that they shall have cause to acknowledge, that under our government and gracious protection, they live in a more happy and free state than any subjects in the christian world. Yet let no man hereby take the boldness to abuse that liberty, turning it to licentiousness; nor misinterpret the Petition, by perverting it to a lawless liberty, wantonly or frowardly, under that or any other colour, to resist lawful and necessary authority. For as we will maintain our subjects in their just liberties, so we do and will expect, that they yield as much submission and duty to our royal prerogatives, and as ready obedience to our authority and commandments, as hath been performed to the greatest of our predecessors.—And for our ministers, we will not that they be terrified by those harsh proceedings, that have been strained against some of them. For, as we will not command any thing unjust or dishonourable, but shall use our authority and prerogatives for the good of our people; so we will expect, that our ministers obey us, and they shall assure themselves we will protect them.—As for our Merchants, we let them know, we shall always endeavour to cherish and enlarge the trade of such as be dutiful, without burthening them beyond what is fitting: but the duty of five in the hundred, for guarding of the seas, and defence of the realm, to which we hold ourselves still obliged, (and which duty hath continued without interruption so many succession of ages) we hold no good or dutiful subject will deny, it being so necessary for the good of the whole kingdom. And if any factious merchant will affront us in a thing so reasonable, and wherein we require no more, nor in no other manner, than so many of our predecessors have done, and have been dutifully obeyed: let them not deceive themselves, but be assured, that we shall find honourable and just means to support our estate, vindicate our sovereignty, and preserve the authority which God hath put into our hands.—And now having laid down the truth and clearness of our proceedings, all wise and discreet men may easily judge of those rumours and jealous fears, that are maliciously and wickedly bruited abroad; and may discern, by examination of their own hearts, whether (in respect of the free passage of the Gospel, indifferent and equal administration of justice, freedom from oppression, and the great peace and quietness which every man enjoyeth under his own vine and fig-tree) the happiness of this nation can be paralleled, by any of our neighbour-countries; and if not, then to acknowledge their own blessedness, and for the same be thankful to God, the Author of all goodness.'

Mr. Hollis, sir J. Elliot, and other Members, examined before the Privy Council and committed close Prisoners.] March 4. Two days after the date of the foregoing Proclamation, warrants were directed from the privy council to Denzil Hollis, esq; sir Miles Hobart, sir John Elliot, sir Peter Hayman, John Selden, W. Coriton, Walter Long, W. Stroud, and Benj. Valentine, esqrs. commanding their personal appearance the next day. Mr. Hollis, sir J. Elliot, sir M. Hobart, and sir P. Hayman appearing,

Mr. *Hollis* was questioned, 'Wherefore he, contrary to his former use, did, that morning that the tumult was in the lower house of parliament, place himself above divers of the privy counsellors, by the chair.' He answered, 'That he at some other times, as well as then, seated himself in that place; and as for his sitting above the privy counsellors, he took it to be his due in any place wheresoever, unless at the council-board.' And as for his part, he came into the house with as great zeal to do his majesty service as any one whatsoever. And yet nevertheless, finding his maj. was now offended with him, he humbly desired, that he might rather be the subject of his mercy than of his power.' To which the lord treasurer answered, 'You mean rather of his majesty's mercy than of his justice.' Mr. Hollis replied, 'I say of his majesty's power, my lord.'

Sir *John Elliot* was next called in. He was questioned, 'Whether he had not spoken such and such words, in the lower house of parliament, and shewed unto the said house such and such a paper?' He answered, 'That whatsoever was said or done by him in that place, and at that time, was performed by him as a public man and a member of that house;

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and that he was, and always will be, ready to give an account of his sayings and doings in that place, whensoever he should be called unto it by that house; where, as he taketh it, it is only to be questioned: and, in the mean time, being now but a private man, he would not trouble himself to remember what he had either spoken or done, in that place as a public man.'

Sir *Miles Hobart*, being questioned about his demeanor in the lower house the same day, and for shutting the door; He answered, 'That he desired to know by what warrant he was examined to give an account of his actions in parliament, when he was a member of that house.' And he said, 'He believed that this was a course without precedent, and no council nor commission could take notice of any thing done in parliament but a parliament itself. Nevertheless he would not stick to confess, that it was he that shut the door that day; and when he had locked the door, put the key in his pocket; [and he did it because the house demanded it.]'

Sir *Peter Hayman* was questioned, 'Wherefore he reproved the Speaker so sharply, that day, in the lower house of parliament?' He answered, 'Because he was the Speaker, and so the servant of the house; and one that ought to have applied himself to the command of the house; and he did it with the more freedom and detestation, because he was his countryman; but yet should also have done it to any other man, that, in the same kind, should have deserved it as he did.' And being farther demanded, 'What he himself would have done, if he had been Speaker, and commanded by the king to deliver such a Message from his maj. to the house? He answered, 'He would have thrown himself at his majesty's feet, and having given his maj. to understand that, in respect he was the Speaker, he was the most improper and unfit person of any to deliver such a Message; and would therefore have most humbly supplicated his maj. to have elected some other to have performed that part.'

Upon these Answers, the four last-named gentlemen were committed close prisoners to the Tower; the studies of Mr. Hollis, Mr. Selden, and sir J. Elliot were sealed up; and Mr. Long and Mr. Stroud not appearing, a proclamation was issued out for apprehending them, and not long after they were taken and committed to the King's-bench prison.

'*Questions proposed to the Judges relating to them.*] The king being resolved to proceed against these members in the Star-Chamber, ordered all the Judges to be summoned; who being accordingly met at Serjeants Inn, on the 25th of April, one Question was proposed by Mr. Attorney, and resolved, viz. 'That the statute of 4 Hen. 8. intituled, 'An Act concerning R. Strode,' was a particular act of parliament, and extended only to R. Strode, and to those persons that had joined with him to prefer a bill to the house of commons concerning Tinners; and although the act be private, and extendeth to them alone, yet it was no more than all other parliament-men, by privilege of the house, ought to have, viz. Freedom of Speech concerning those matters debated in parliament, by a parliamentary course.'—The rest of the Questions Mr. Attorney was wished to set down in writing against another day.—Upon Monday following all the Judges met again, and then Mr. Attorney proposed these Questions. 1. Whether if any subject hath received probable information of any treason or treacherous attempt, or intention against the king or state, that subject ought not to make known to the king, or his maj.'s commissioners, when thereunto he shall be required, what information he hath received, and the grounds thereof; to the end the king, being truly informed, may prevent the danger? And if the said subject, in such case, shall refuse to be examined, or to answer the questions which shall be demanded of him for further inquiry and discovery of the truth, whether it be not a high contempt in him, punishable in the Starchamber, as an offence against the general justice and government of the kingdom. Sol. The Resolution and Answer of all the Justices, is, 'That it is an offence punishable as aforesaid, so that this do not concern himself, but another, nor draw him to danger of treason or contempt, by his answer.'—2. Whether it be a good Answer or Excuse, being thus interrogated, and refusing to answer, to say, 'That he was a parliament-man when he received this information, and that he spake thereof in the parliament house; and therefore the parliament being now ended, he refused to answer to any such questions but in the parliament house, and not in any other place?' Sol. To this the Judges, by advice privately to Mr. Attorney, gave this Answer, 'That this excuse being in nature of a plea and an error in judgment, was not punishable, until he were overruled in an orderly manner, to make another Answer; and whether the party were brought in ore tenus, or by information, for this plea he was not to be punished.'—3. Whether a parliament man, committing an offence against the king or council, not in a parliament way, might, after the parliament ended, be punished or not? Sol. All the Judges, una voce, answered, 'He might, if he be not punished for it in parliament; for the parliament shall not give privilege to any contra morem parliamentarium, to exceed the bounds and limits of his place and duty.' And all agreed, 'That regularly, he cannot be compelled, out of parliament, to answer things done in parliament, in a parliamentary course; but it is otherwise where things are done exorbitantly, for those are not the acts of a court.'—4. Whether if one parliament-man alone shall resolve, or 2 or 3 shall covertly conspire, to raise false slanders and rumours against the lords of the council and judges; not with intent to question them in a legal course, or in a parliamentary way, but to blast them, and to bring them to hatred of the people, and the government in

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contempt; be punishable in the Star-chamber after the parliament is ended?—Sol. The Judges resolve, 'That the same is punishable out of parliament, as an offence exorbitant committed in parliament, beyond the office, and beside the duty of a parliament-man.'—There was another Question put by Mr. Attorney, viz. 5. Whether if a man in parliament, by way of digression, and not upon any occasion arising concerning the same in parliament, shall say, 'The lords of the council and the judges had agreed to trample upon the liberty of the subject, and the privileges of parliament,' he were punishable or not?—The Judges desired to be spared to make any Answer thereunto, because it concerned themselves in particular.—The next day, Mr. Attorney put to the Judges another case. 6. It is demanded of a parliament-man, being called ore tenus, before the court of Star-chamber, and being charged, that he did not submit himself to examination for such things as did concern the king and the government of the state, and were affirmed to be done by a third person, and not by himself; if he confesses his hand to that refusal, and make his excuse, and plead only that he had privilege of parliament; Whether the court will not over-rule this plea as erroneous, and that he ought to make a further Answer? Sol. 'It is the justest way for the king and the party not to proceed ore tenus; because, it being a point in law, it is fit to hear counsel before it be over-ruled; and upon an ore tenus, by the rules of Star-chamber, counsel ought not to be admitted; and it would not be for the honour of the king, nor the safety of the subject, to proceed in that manner.'

An Information in the Starchamber against Mr. Hollis, sir J. Elliot, &c.] On these Answers from the Judges, the king's attorney general next proceeded to exhibit an information against the gentlemen, in the court of Star-Chamber; which, though not strictly parliamentary, yet, as it refers to what had been done and said in parliament, deserves our notice; as well as the rest of the proceedings against them, as they are collected in Rushworth, to the end of this business. The Information was as follows:

"Jovis 7mo. Die Maii, Anno 5to. Car. R.

"To the king's most excellent maj.; Humbly sheweth and informeth unto your most excellent maj. sir Rob. Heath, your maj.'s attorney general, for and on your maj.'s behalf, That whereas, by the antient and fundamental laws of this kingdom, the high court of parliament consisteth of the lords spiritual and temporal in the lords house, and of the knights, citizens, and burgesses in the commons house of parliament; and those two houses, thus composed, do together make up that great and honourable body, whereof your maj. as the supreme sovereign, is the head: and whereas the power of summoning and assembling of parliaments, and of continuing, proroguing, adjourning, and dissolving thereof within this realm at your good pleasure, is the undoubted right of your maj.; and the liberty and freedom of speech, which the members of the said houses of parliament have, according to the privileges of those several houses, to debate, consult, and determine of those things which are propounded amongst them, is, and ever hath been, and ought to be, limited and regulated within the bounds of moderation and modesty, and of that duty which subjects owe to their sovereign: and whereas your maj. for many weighty causes, and for the general good and defence of the church and state of this your kingdom, lately summoned a parliament to be holden at your city of Westminster, the 17th day of March, in the 3d year of your maj.'s reign, which continued from thence by prorogation until the 20th of Jan. last; from which day, until the 25th of Feb. following, the said houses continued sitting. And although the greater part of the house of commons, being zealous of the common good, did endeavour to have effected those good things for which they were called thither; yet between the said 20th of Jan. and the said 25th of Feb. by the malevolent disposition of some ill-affected members of the said house, sundry diversions and interruptions were there made, and many jealousies there unjustly raised and nourished; to the disturbance of those orderly and parliamentary proceedings, which ought to have been in so grave a council. During which time of the said last meeting in parliament, as aforesaid, so it is, may it please your maj. that sir John Elliot, knight, then and all the time of the said parliament, being one of the members of the said commons house, wickedly and maliciously intending, under a feigned colour and pretence of debating the necessary affairs of the present estate, to lay a scandal and unjust aspersion upon the right hon. the lords, and others of your maj.'s most hon. privy-council, and upon the rev. judges, and your counsel learned; and as much as in him lay, to bring them into the hatred and ill opinion of the people; after the said 20th day of Jan. and before the said 25th of Feb. last, did openly and publickly in the said house of commons, falsely and maliciously affirm, 'That your majesty's privy-council, all your judges and your counsel learned, had conspired together to trample under their feet the liberties of the said subjects of this realm, and the privileges of that house.' And further, that when your maj. upon the 25th of Feb. had, by sir John Finch, knt. then Speaker of the said house of commons, signified your royal pleasure, that the said house should be instantly adjourned until the 2d of March then following, he the said sir J. Elliot, and Denzil Hollis, esq.; Benjamin Valentine, gentleman, Walter Long, esq, William Coriton esq. Wm. Strode, esq. John Selden, esq. sir Miles Hobart, and sir Peter Hayman, knights, all members at that time of the said commons house, conceiving with themselves, that your maj. being justly provoked thereto, would spee-

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dily dissolve that parliament; they the said sir J. Elliot, &c. and every of them, by unlawful confederacy and combination between them in that behalf before had, did maliciously resolve, agree and conspire, how and by what means, before that parliament should be dissolved, they might raise such false and scandalous rumours against your majesty's government, and your counsellors of estate attending your person, that thereby as much as in them lieth, they might disturb the happy government of this kingdom, by and under your maj.; interrupt the course of traffick and trade; discourage your merchants, and raise jealousies and suspicions in the hearts of your people, that the sincerity of the true religion professed and established in this kingdom, was neglected: and in pursuance of this their resolution and confidence aforesaid, the said sir J. Elliot, with the privity and consent of the said Denzil Hollis, and all other the said confederates, did prepare a paper or writing, wherein he had written, or caused to be written, divers false and scandalous assertions, touching your majesty's government, and touching the persons of divers of your privy-council; which he and they resolved, and conspired, and agreed, should be delivered into the said house of commons, and there publickly read; to the wicked and seditious intents and purposes aforesaid, and not with any purpose or opinion, that those things that were therein contained, if they, or any of them had been true, as indeed they were not, should, or could be at that time entertained, or pursued in any legal or parliamentary way; but merely and only to express, and vent his and their own malice and disaffection to your maj. and your happy government.—And your maj. upon the said 2nd of March having signified your royal pleasure unto the said sir J. Finch, then Speaker of that house, That the said house should then be presently adjourned until the 10th day of the said month of March, without any further speech or proceedings at that time; and the said Speaker then delivered your majesty's pleasure and commandment to the said house accordingly, and declared unto them your majesty's express charge and command unto him, That if any should, notwithstanding, disobey your majesty's command, that he must forthwith leave the charge, and wait upon your maj.: unto which commandment of your maj. and signification of your royal pleasure in that behalf, for a present adjournment of the house, the greatest number of the members of that house, in their duty and allegiance unto your maj. were willing to have given a ready obedience; as the lords spiritual and temporal, upon the very same day, upon the like signification, made unto them of your majesty's pleasure, by your lord keeper of your great seal of England, the Speaker of that house, had done: yet so it is, that the said sir J. Elliot, for the satisfying of his own malice and disloyal affections to your maj. and by the confederacy and agreement aforesaid, and in a high contempt and disobedience unto your majesty's command, and with set purpose to oppose your majesty's said command, did stand up, and several times offered to speak. Whereupon the said Speaker, in obedience to your majesty's said command, endeavouring to have gone out of the Chair, the said D. Hollis and B. Valentine, being then next the Speaker's Chair, and the one of them on the one hand, and the other of them on the other hand of the Speaker (where they so placed themselves of purpose on that day) out of their disobedience to your maj. and by the confederacy and agreement aforesaid; violently, forcibly, and unlawfully, and with purpose to raise a tumult in the said house, kept and held the said Speaker in the said chair, against his will: and the said Speaker again endeavouring to leave the chair, and having then gotten out of the chair, they, the said D. Holles and B. Valentine, laid violent hands upon the said Speaker, forcibly, and unlawfully, and by strong hand, thrust him into his chair again; and then the said sir J. Elliot again stood up, and used these speeches; 'We have prepared a short Declaration of our intentions, which I hope shall agree with the honour of the house, and the justice of the king.' And with that, he threw down a paper into the floor of the said house, desiring it might be read: and the said D. Hollis, B. Valentine, and all other the confederates aforesaid, in disobedience and high contempt of your majesty's said command, called and cried out to have the same paper read. But some others of the house spake to the contrary, that it might not be read; and the house thereupon, by reason of the disorderly behaviour of the said confederates, was much troubled; many pressing violently and tumultuously to have the said paper read, and others dutifully and diligently urging the contrary, to the great disquiet and discomfort of many well-affected members of that house. And the said Wm. Coriton, in this distemper, demeaned himself so passionately and violently; that he then, and there violently, forcibly, and unlawfully assaulted and struck —— Winterton, gent. then being a member of the said house: and divers of the members of the said house, being then desirous, and endeavouring to have gone out of the said house, the said sir Miles Hobart did, of his own head, lock the door of the said house, and kept the key thereof; and imprisoned the members of the said house, being then in the said house, against their wills, so that none of them could go out. And the said Wm. Strode, for the further expressing of his malignity and undutifulness towards your maj. and in pursuance of the agreement and confederacy aforesaid, openly moved, and with much earnestness urged, That the said Paper or Declaration might be first read, 'To the end, that' (as he then, in great contempt of your royal maj. said) 'We' (meaning the members of the house) 'may not be turned off like scattered sheep, and sent home as we were last sessions, with a scorn put upon us in print;" meaning thereby the words which your maj. in your own person, spake at the ending of

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the last session, and caused the same to be printed: and the said Stroud in a very disorderly manner; further moved, That all those who would have the said Paper read, should stand up; which divers of them thereupon did accordingly, and he, the said Stroud, amongst others did stand up; and in this heat of contention, and height of disobedience, by the confederacy aforesaid, to have the said paper read; the said sir P. Hayman, with rough and reproachful words, reproved the said Speaker, for being constant and resolute in his obedience to your maj. in not putting the reading of the said paper to the question; as by all the said confederates, with many reasons and arguments he was urged to do: and the said sir P. Hayman then further said, 'The said Speaker was made an instrument to cut up the liberty of the subjects by the roots.' But when by no means, the said Speaker would be drawn to transgress your majesty's royal command aforesaid; then, lest the said paper should not be read, the said John Selden moved, That the clerk of the said house might read the same: and when the said sir J. Elliot found, that he and his confederates aforesaid, could not procure the said paper to be read; he, the said sir J. Elliot, to the end he might not lose that opportunity, to vent and publish those malicious and seditious resolutions, which he and his confederates had collected, and prepared as aforesaid, took back the said paper again; and then immediately, in the said house, said, 'I shall now express that by tongue, which this Paper should have done;' and then spake these words: 'The miserable condition we are in, both in matters of Religion and Policy, makes me look with a tender eye both to the person of the king, and to the subjects.' And then speaking of them whom he intended to be ill instruments in this state, at whom he principally aimed, he said, 'There are amongst them some prelates of the church, the great bishop of Winchester, and his fellows; it is apparent what they have done to cast an aspersion upon the honour, and piety, and goodness of the king: these are not all; but it is extended to some others, who, I fear, in guilt of conscience of their own desert, do join their power with that bishop and the rest, to draw his maj. into a jealousy of the parliament; amongst whom, I shall not fear to name the great lord treasurer, in whose person, I fear, is contracted all that which we suffer. If we look into Religion or Policy, I find him building upon the ground laid by the duke of Buckingham, his great master; from him, I fear, came those ill counsels, which contracted the unhappy conclusion of the last session of parliament. I find, that not only in the affections of his heart, but also, by his whole behaviour, he is the head of the papists, and I doubt not to fix it indubitably upon him; and so from the power and greatness of him comes the danger of our religion. For Policy, in that great question of Tunnage and Poundage, the interest, which is pretended to be the king's, is but the interest of that one person, to undermine the policy of this government, and thereby to weaken the kingdom; while he invites strangers to come in to drive away our trade, or at least our merchants to trade in strangers bottoms, which is as dangerous. Therefore it is fit to be declared by us, that all that we suffer, is the effect of new counsels, to the ruin of the government of the state; and to make a protestation against all those men, whether greater or subordinate, that they shall all be declared as capital enemies to the king and kingdom, that will persuade the king to take tunnage and poundage without grant of parliament; and that if any merchants shall willingly pay those duties, without consent of parliament, they shall be declared as accessaries to the rest.' Which words of the said sir J. Elliot, were by him uttered as aforesaid, falsely, maliciously, and seditiously, out of the wickedness of his own affections towards your maj. and your gracious and religious government; and by the confederacy, agreement, and privity of the said other confederates, and to lay a slander and scandal thereupon; and not with a purpose, or in a way to rectify any thing which he conceived to be amiss, but to traduce and blast those persons against whom he had conceived malice; for so himself the same day in that house said, and laid down as a ground for what he intended to say, 'That no man was ever blasted in that house, but a curse fell upon him.'—And further, That when the said sir J. Elliot had thus vented that malice and wickedness which lay in his heart; and as appeareth by his own words, were expressed in the said paper, which was prepared as aforesaid; the said Walter Long, out of his inveterate malice to your maj. and to your affairs, and by the confederacy aforesaid, then and there said, 'That man who shall give away my liberty and inheritance (I speak of the merchants) I note them for capital enemies to the kingdom.' And lest the hearers should forget these wicked desperate positions laid down as aforesaid, and to the end the same might have the deeper impression, and be the more divulged abroad to the prejudice of your maj. and of your great affairs, and to the scandal of your government; the said D. Hollis collected into several heads, what the said sir J. Elliot had before delivered out of that paper, and then said, 'Whosoever shall counsel the taking up of Tunnage and Poundage, without an act of parliament, let him be accounted a capital enemy to the king and kingdom.' And, further, 'What merchants soever shall pay Tunnage and Poundage without an act of parliament, let him be accounted a betrayer of the liberty of the subject, and a capital enemy to the king and kingdom.'—Which position thus laid, the said D. Hollis, neither being Speaker, nor sitting in the chair as in a committee by direction of the house; but in an irregular way, and contrary to all course of orderly proceedings in parl. offered to put these things so delivered by him as aforesaid, to the question; and drew from his confederates aforesaid an applause and assent, as if these things had been voted by the house.—

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And further, That the disobedience of the said confederates was then grown to that height, that when Ed. Grimston, the serjeant at arms then attending the Speaker of that house, was sent for by your maj. personally to attend your highness, and the same was made known in the said house; the said confederates notwithstanding, at that time, forcibly and unlawfully kept the said Ed. Grimston locked up in the said house, and would not suffer him to go out of the house to attend your maj.: and when also on the same day, James Maxwell, esq. the gentleman-usher of the black-rod, was sent from your maj. to the said commons house, with a Message immediately from your majesty's own person, they the said confederates utterly refused to open the door of the house, and to admit the said James Maxwell to go to deliver his Message. After all which, the said house was then adjourned until the said 10th day of March then following; and on the said 10th day of March the said parliament was dissolved and ended.—In consideration of all which premises, and forasmuch as the contempt and disobedience of the said sir John Elliot, and other the confederates aforesaid, were so great and so many, and unwarranted by the privilege and due proceedings of parliament; were also committed with so high a hand, and are of so ill example and so dangerous consequence, and remain all unpardoned: therefore he, the said attorney general, prayed a process against them to answer their contempts in the high court of Star-chamber."

The rest of the judicial proceedings against these gentlemen are divided in Rushworth, but we shall connect them together in this manner:

The Members brought, upon a Habeas Corpus, before the Court of King's-Bench.] Pasch. 5 CAROLI, Banco Regis: Upon a Habeas Corpus of this court to bring the body of William Stroud, esq. with the cause of his imprisonment, to the marshal of the King's-bench; it was returned in this manner, 'That Mr. Wm. Stroud was committed into my custody, by virtue of a certain warrant under the hands of 12 of the lords of the privy-council of the king.' The tenor of which warrant followeth in these words: "You are to take knowledge, That it is his majesty's pleasure and commandment, that you take into your custody the body of Wm. Stroud, esq. and keep him close prisoner till you shall receive other order, either from his maj. or this board; for so doing, this shall be your warrant. 2d April, 1629." And the direction of the warrant was, 'To the Marshal of the King's-bench, or his deputy.' He is also detained in prison, by virtue of a warrant under his majesty's hand; the tenor of which warrant followeth in these words: "C. R. Whereas you have in your custody the body of Wm. Stroud, esq. by warrant of our lords of our privy-council, by our special command; you are to take notice, that this commitment was for notable contempts by him committed, against our self and our government, and for stirring up sedition against us; for which you are to detain him in your custody, and to keep him close prisoner, until our pleasure be further known concerning his deliverance. Given at Greenwich, 7th May, 1629." The direction being, 'To the Marshal of our bench for the time being.'—Upon another Habeas Corpus to the Marshal of the houshold, to have the body of Walter Long, esq. in court, it was returned according as the return of Mr. Stroud.

Trinity, 5 CAROLI, Banco Regis: The first day of this term, upon a Habeas Corpus to sir Allen Apsley, lieut. of the Tower, to bring here the body of John Selden, esq. with the cause of detainer; he returned the same cause as in Mr. Stroud's case. And Mr. Littleton of the Inner-Temple, of counsel with Mr. Selden, moved, 'That the return was insufficient in substance; therefore prayed, That he might be bailed: and said, That it was a matter of great consequence, both to the prerogative of the king, and to the liberty of the subject: but as for the difficulty of law contained in it, he said (under favour) the case cannot be said to be Grand. And so proceeded to his argument, and concluded, That the prisoner ought to be bailed.'—The same day sir Miles Hobart, Benj. Valentine, and Denzil Hollis, esq; appeared at the bar, upon the Habeas Corpus directed to several prisons. And their counsel were ready to have argued the case for them also: but, because the same return was made for them as for Mr. Selden, they all declared, They would rely on this argument made by Mr. Littleton. Some few days after, sir R. Heath, Attorney-General, argued, 'That this return was good, and that Mr. Selden and the rest of the parties ought not to be bailed; and that, within the return, there appears good cause of their commitment and of their detainer also. He said, the case is great in expectation and consequence, and concerns the liberty of the subject on one part, whereof the argument is plausible; and on the other part it concerns the safety and sovereignty of the king, which (he said) is a thing of great weight; and that the consideration of both pertained to the Judges, without slighting the one, or too much elevating the other: and so proceeded to his argument, and concluded, That the prisoners ought to be remanded.'

The Members removed to other Prisons, by the King's Order.] When the court was ready to have delivered their opinions in this great business, the prisoners were not brought to the bar, according to the rule of the court: therefore proclamation was made, for the keepers of the several prisons to bring in their prisoners; but none of them appeared, except the Marshal of the King's-bench, who informed the court, 'That Mr. Stroud, who was in his custody, was removed yesterday, and put in the Tower of London by the king's own warrant; and so it was done with the other prisoners, for each of

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them was removed out of his prison in which he was before:' But notwithstanding it was prayed by the counsel for the prisoners, that the court would deliver their opinion as to the matter in law; yet they refused to do so, because it was to no purpose; for the prisoners being absent, they could not be bailed, delivered, or remanded.

The King's Letters to the Judges, on that Occasion.] The evening before, there came a Letter to the Judges of this court from the King himself, informing the court with the reasons, wherefore the prisoners were not suffered to come at the day appointed for the resolution of the Judges. These were the words of the letter:

"To our trusty and well-beloved, our chief justice, and the rest of our justices of our bench.

"C. R. Trusty and well-beloved, we greet you well: Whereas, by our special commandment, we have lately removed sir Miles Hobart, Walter Long, and Wm. Stroud from the several prisons where they were formerly committed, and have now sent them to our Tower of London; understanding there are various constructions made thereof, according to the several apprehensions of those who discourse of it, as if we had done it to decline the course of justice: we have therefore thought fit to let you know the true reason and occasion thereof; as also, why we commanded those and the other prisoners should not come before you the last day; we (having heard how most of them, a while since, did carry themselves insolently and unmannerly both towards us and your lordships) were and are very sensible thereof, and though we hear yourselves gave them some admonition for that miscarriage, yet we could not but resent our honour, and the honour of so great a court of justice so far, as to let the world know how much we dislike the same: and, having understood, that your lordships and the rest of our Judges and barons of our court of Common Pleas and Exchequer (whose advices and judgments we have desired in this great business, so much concerning our government) have not yet resolved the main question, we did not think the presence of those prisoners necessary; and until we should find their temper and discretions to be such as may deserve it, we were not willing to afford them favour. Nevertheless, the respect we bear to the proceedings of that court, hath caused us to give way, that Selden and Valentine should attend you to-morrow; they being sufficient to appear before you, since you cannot as yet give any resolute opinion in the main point in question."

Within three hours after the receipt of those letters, other letters were brought unto the said judges, as followeth:

"To our trusty and well-beloved, our Chief Justice, and the rest of our justices of our bench.

"C. R. Trusty and well-beloved, we greet you well; Whereas, by our letters of this day's date, we gave you to understand our pleasure, That of those prisoners, which, by our commandment, are kept in our Tower of London, Selden and Valentine should be brought to-morrow before you; now, upon more mature deliberation, we have resolved, That all of them shall receive the same treatment, and that none shall come before you until we have cause given us to believe they will make a better demonstration of their modesty and civility, both towards us and your lordships, than at their last appearance they did. Given under our signet at our manor at Greenwich, this 24th day of June, in the 5th year of our reign."

So the court delivered no opinion this term; and the imprisoned gentlemen continued in restraint all the long vacation.

The King sends for the Judges.] Towards the latter end of this vacation, all the justices of the King's Bench, being then in the country, received a letter to be at Serjeant's Inn upon Michaelmas-Day. These letters were from the council-table, and the cause expressed in them, was, 'That his majesty had present and urgent occasion to use their service.' The Judges came up accordingly on Tuesday, being Michaelmas-day. The next morning about 4 o'clock, letters were brought to the chief justice from Mr. Trumbal, clerk of the council then attending, that he and judge Whitlock, one of the judges of that court, should attend the king that morning, so soon as conveniently they could; which the chief justice and that judge did at Hampton that morning. Here the king, taking them apart from the council, fell upon the business of the gentlemen in the Tower; and was contented they should be bailed, notwithstanding their obstinacy, in that they would not give the king a Petition, expressing, 'That they were sorry he was offended with them.' He shewed his purpose to proceed against them by the common-law in the King's Bench, and to leave his proceeding in the Star-chamber. Divers other matters he proposed to the said judges by way of advice, and seemed well contented with what they answered, though it was not to his mind; which was, 'That the offences were not capital; and that by law the prisoners ought to be bailed, giving security for their good behaviour.' Whereupon the king told them, 'That he would never be offended with his judges, so they dealt plainly with him, and did not answer him by oracles and riddles.' Both these judges did at that time, what good offices they could to bring on the king to heal this breach.

A Motion to bail the Prisoners.] The first day of Michaelmas term, it was moved, by Mr. Mason, to have the Resolution of the Judges; and the court with one voice said, 'That they are now content, that they should be bailed, but that they ought to find sureties also for their good behaviour.' And Justice Jones said, 'That so it was done in the case which had been often remembered to another

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purpose, to wit, Russel's Case, in 9 Ed. 3.' To which Mr. Selden answered (with whom all the other prisoners agreed in opinion) 'That they have their sureties ready for the bail, but not for the good behaviour; and desire, that the bail might first be accepted, and that they be not urged to the other; and that for these reasons: I. 'The case here hath long depended in court, they have been imprisoned for these 30 weeks, and it had been oftentimes argued on the one side and the other; and those that argued for the king, always demanded that we should be remanded; and those which argued on our side, desired that we might be bailed or discharged; but it was never the desire of the one side or the other, that we should be bound to the good behaviour. And, in the last term, 4 several days were appointed for the Resolution of the court, and the sole point in question was, 'If bailable or not.' Therefore they now desire, that the matter of bail and of good behaviour may be severed, and not confounded.' II. 'Because the finding of sureties of good behaviour is seldom urged upon returns of felonies or treasons. And it is but an implication, upon the return, that we are culpable of those matters which are objected. III. 'We demand to be bailed, in point of right; and if it be not grantable of right, we do not demand it, but the finding of sureties for the good behaviour, is a point of discretion merely; and we cannot assent to it, without great offence to the parliament, where these matters, which, as surmised by the return, were acted: and, by the statute of 4 Hen. 8. all punishments of such nature are made void and of none effect, therefore,' &c.

The Opinion of the Court.] Curia; The Return doth not make mention of any thing done in parliament; and we cannot, in a judicial way, take notice that these things were done in parliament.—Whitlocke, 'The surety of good behaviour is as a preventing medicine of the damage, that may fall out to the commonwealth; and it is an act of government and jurisdiction, and not of law.'—Crooke, 'It is no inconvenience to the prisoners; for the same bail sufficeth, and all shall be written upon one piece of parchment.'—Hereupon sir Rt. Heath, Attorney-general, said, 'That by the command of the king, he had an information ready in his hand to deliver in the court against them.'—Hide, chief-justice, 'If now you refuse to find sureties for the good behaviour, and be for that cause remanded; perhaps we, afterwards, will not grant Habeas Corpus for you, inasmuch as we are made acquainted with the cause of your imprisonment.'—Hereupon Ashley, the king's serjeant, offered his own bail for Mr. Hollis, one of the prisoners, (who had married his daughter and heiress) but the court refused it; 'For it is contrary to the course of the court unless the prisoner himself will become bound also.' And this Mr. Hollis had denied to do.—Mr. Long, though he had found sureties in the chief justice's chamber, for the good behaviour, refused to continue his sureties any longer; inasmuch as they were bound in a great sum of 2000*l.* and the good behaviour was a ticklish point. Therefore, he was committed to the custody of the marshal, and all the other prisoners were remanded to the Tower, because they would not find sureties for the good behaviour.

An Information exhibited in the King's-Bench against Sir J. Elliot, &c.] The same term an Information was exhibited, by the attorney-general, against sir J. Elliot, D. Hollis, and B. Valentine. To this Information the defendants put in a plea to the jurisdiction of the court: 'Forasmuch as these offences are supposed to have been done in parliament, they ought not to be punished in this court, or any other except in parliament.' And the attorney-general moved the court to over-rule the plea, as to the jurisdiction of the court; and this he said, the court might do, although he did not demur upon the plea; but the court would not over-rule the plea; but gave a day to join in demurrer that term: and on the first day of the next term, the record to be read, and within a day after argued at the bar.

Mr. Walter Long's Case in the Star-Chamber.] In Hilary term following, the Case of Walter Long, esq. one of the imprisoned gentlemen, came to a hearing in the Star-Chamber, which was as followeth: An Information was exhibited into the Star-Chamber, by sir R. Heath, attorney-general, plaintiff, against the said Walter Long, defendant, "For a great and presumptuous contempt against his maj. for breach of duty and trust of his office, and for manifest and wilful breach of his oath taken as high sheriff of the county of Wilts, and not residing and dwelling in his own person in the said county, according to the said oath; but being chosen one of the citizens for the city of Bath, to serve for the said city in the last parliament, by colour thereof he remained at London or Westminster during the time of that parliament, by the space of 3 months and above; in neglect of his duty, and in manifest contempt of the laws of this kingdom: which cause was now, by his maj.'s said attorney-general, brought to a hearing upon the defendant's own confession. That upon opening the Answer, and reading the examination of the said defendant, it appeared to this court, 'That the said defendant, Long, was by his now maj. made high sheriff of the county of Wilts, in or about Nov. in the 3rd year of his reign, received his patent of sheriffwick for the said county about ten days after; and that he took an oath before one of the masters of the chancery, for the due execution of the said office of sheriff of the said county.' In which oath, as appeared by the same there read in court, he did swear, that he would in his own person remain within his bailiffwick during all the time of his sheriffwick, unless he had the king's license to the contrary; and that at an election of citizens for the said city of Bath, the said defendant,

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Long, was chosen one of the citizens to serve for the said city, in the parliament then summoned, to be holden upon the 17th of March, in the said 3rd year of his maj.'s reign; and being so chosen, and returned by the sheriff of the county of Somerset, notwithstanding his said oath taken to remain in his proper person, within his bailiff-wick, unless he were licensed by his maj.; he the said defendant did make his personal appearance in the commons house of parliament; and did, during the most part of the said parliament, continue in and about the city of London and Westminster, and did attend in the parliament, as a citizen for the said city of Bath, during all which time he likewise was, and continued high sheriff for the said county of Wilts, and had no particular license from his maj. to the contrary. Upon consideration whereof, as also of the particular causes and reasons of the defendants demurrer and plea formerly exhibited unto the said information; the benefit whereof was by order of the court reserved unto the defendant to be debated and considered of at the hearing of this cause; and of divers other matters now urged for the defendant, both to have justified his the said defendant's attendance in parliament, and his not residence in person in the county whereof he was then sheriff, and among other things that it properly belonged to the house of parliament to judge of the justness or unjustness of the said election; and upon grave and mature consideration thereof had and taken by the court, their lordships did not only conceive the said demurrer and plea, and other the arguments and reasons used by the defendant and his counsel, to be of no weight or strength, but also to be in opposition and derogation of the jurisdiction of the court: the reasons moved and urged for the defendant's excuse or justification being clearly answered, and the charges of the information made good by Mr. Attorney-general, and others of his majesty's counsel learned.—And therefore the whole court were clear of opinion, and did so declare, 'That the said defendant, who at that time, as high sheriff, had the custody and charge of the county of Wilts committed unto him by his maj.; had taken his oath according to the law to abide in his proper person within his bailiffwick, during all the time of his sheriffwick as aforesaid; and whose trust and employment did require his personal attendance in the said county; had not only committed a great offence in violating the said oath so by him taken, but also a great misdemeanor in breach of the trust committed unto him by his maj.; and in contempt of his maj.'s pleasure signified unto him, by and under his highness's great seal, when he granted unto him the said office of sheriffwick aforesaid. For which said several great offences, in breach of his said oath, neglect of the trust and duty of his office, and the great and high contempt of his maj. their lordships did hold the same defendant worthy the sentence of the court; the rather, to the end that, by this example, the sheriffs of all other counties may be deterred from committing the like offences hereafter; and may take notice, that their personal residence and attendance is required within their bailiffwicks during the time of their sheriffwick. The court therefore thought fit, ordered, adjudged, and decreed, that the said defendant should stand and be committed to the prison of the Tower, there to remain during his maj.'s pleasure, and also pay a fine of 2000 marks to his maj.'s use; and further make his humble submission and acknowledgment of his offence both in the court of Star-chamber, and to his majesty before his enlargement from thence."

The Judges give their Opinions in the Case of sir John Elliot, &c.] In the same term, Mr. Mason argued, in the King's bench for sir John Elliot, against the information preferred against him (amongst others) by sir R. Heath, the king's attorney-general; and the same day the attorney-general argued in maintenance of the said Information. The Judges also, the same day, spake briefly to the case, and agreed with one voice, that the court, as this case is, shall have jurisdiction, although that these offences were committed in parliament; and that the imprisoned members ought to answer.'

Mr. Justice *Jones* began and said, 'That though this question be now newly moved, yet it is an antient question with him; for it had been in his thoughts these 18 years. For this information, there are 3 questions in it:' 1. Whether the matters informed be true or false; and this ought to be determined by jury or demurrer? When the matters of the information are found or confessed to be true, if the Information be good in substance? 3. Admit that the offences are truly charged, if this court hath power to punish them? And that is the sole question of this day.—And it seems to me, that of these offences, although committed in parliament, this court shall have jurisdiction to punish them. The plea of the defendants here to the jurisdiction being concluded with a demurrer, is not peremptory unto them, although it be adjudged against them; but if the plea be pleaded to the jurisdiction, which is found against the defendant by verdict, this is peremptory. In the discussion of this point, I decline these questions.. 1. If the matter be voted in parliament, when it is finished, whether it can be punished and examined in another court? 2. If the matter be commenced in parliament, and that ended, if afterwards it may be questioned in another court? I question not these matters, but I hold, That an offence committed, criminally, in parliament, may be questioned elsewhere, as in this court; and that for these reasons. 1. Quia interest reipublicæ, ut maleficia non maneant impunita; and there ought to be a fresh punishment of them. Parliaments are called at the king's pleasure, and the king is not compellable to call his parliament; and if, before the next parliament, the party offending, or the witnesses, die, then there will be a failure of jus-

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tice. 2. The parliament is no constant court; every parliament mostly consists of several men, and, by consequence, they cannot take notice of matters done in the foregoing parliament; and there they do not examine by oath, unless it be in chancery, as it is used of late time. 3. The parliament cannot send process to make the offenders to appear at the next parliament; and being at large, if they hear a noise of a parliament, they will fugam facere, and so prevent their punishment. 4. Put the case that one of the defendants be made a baron of parliament, then he cannot be punished in the house of commons; and so he shall go unpunished,—It hath been objected, 'That the parliament is a superior court to this, therefore this court cannot examine their proceedings.' To this I say, That this court of the King's-bench is a higher court than the justices of oyer and terminer, or the justices of assize: but if an offence be done where the King's-bench is, after it is removed, this offence may be examined by the justices of oyer and terminer, or by the justices of assize. We cannot question the judgments of the parliaments, but their particular offences,—A second Objection is, 'That it is a privilege of parliament, whereof we are not competent judges.' To this I say, That 'privilegium est privata lex, & privat legem.' And this ought to be by grant or prescription, in parliament; and then it ought to be pleaded for the manner, as is in 33 Hen. 8. as it is not here pleaded. Also, we are judges of all acts of parliament; as 4 Hen. 7. Ordinance made by the king and commons is not good, and we are judges what shall be said a session of parliament, as it is in Plowden, in Partridge's Case. We are judges of their lives and lands, therefore of their liberties. And, 8 Eliz. it was the opinion of Dyer, Catlyn, Welsh, Brown, and Southcot, justices, 'That offences committed in parliament may be punished out of parliament.' And 3 Ed. 5. 19. it is good law. And it is usual, near the end of parliaments, to set down some petty punishment upon offenders in parliament, to prevent other courts. And I have seen a roll in this court, in 6 Hen. 6. where judgment was given in a writ of annuity in Ireland; and afterward the said judgment was reversed in parliament in Ireland; upon which judgment, writ of error was brought in this court, and reversed.'

Chief Justice *Hide* argued to the same effect: 'No new matter hath been offered to us, now, by them that argue for the defendants; but the same reasons and authorities, in substance, which were objected before all the justices of England, and barons of the Exchequer, at Serjeant's-Inn in Fleet-Street; upon an information, in the Star-chamber, for the same matter. At which time, after great deliberation, it was resolved by all of them, 'That an offence committed in parliament, that being ended, may be punished out of parliament: and no court more apt for that purpose than this court, in which we are: for it cannot be punished in a future parliament, because that cannot take notice of matters done in a foregoing parliament.—As to what was said, 'That an inferior court cannot meddle with matters done in a superior;' true it is, that an inferior court cannot meddle with judgments of a superior court; but if particular members of a superior court offend, they are oft-times punishable in an inferior court: as if a judge shall commit a capital offence in this court, he may be arraigned thereof at Newgate. 3 Ed. 3. 19. and 1 Mar. which have been cited, over-rule this case: Therefore, &c.'

Mr. Justice *Whitlocke*. 'I say in this case, 1. Nihil dictum quod non dictum prius. 2. That all the Judges of England have resolved this very point. 3. That now we are but upon the brink and skirts of the cause; for it is not now in question, if these be offences or no; or if true or false; but only if this court have jurisdiction.—It hath been objected, 'That the offence is not capital, therefore it is not examinable in this court.' But though it be not capital, yet it is criminal; for it is sowing of sedition to the destruction of the commonwealth.—The question now is not between us, that are judges of this court, and the parliament, or between the king and the parliament; but between some private members of the house of commons and the king himself: for here the king himself questions them for those offences; as well he may. In every commonwealth there is one super-eminent power, which is not subject to be questioned by any other; and that is the king in this commonwealth; who, as Bracton saith, 'Solum Deum habet ultorem:' but no other within the realm hath this privilege. It is true, that which is done in parliament, by consent of all the house, shall not be questioned elsewhere; but if any private members, exeunt personas judicum, & induunt malefacientium personas, & sunt seditiosi; is there such sanctimony in the place, that they may not be questioned for it elsewhere?—The bishop of Ross, as the case hath been put, being ambassador here, practised matters against the state: and it was resolved, That although 'Legatus sit rex in alieno solo,' yet when he goes out of the bounds of his office, and complots with traitors in this kingdom that he shall be punished as an offender here, A minister hath a great privilege when he is in the pulpit; but yet if, in the pulpit, he utter speeches which are scandalous to the state, he is punishable. So in this case, when a burgess of parliament becomes mutinous, he shall not have the privilege of parliament. In my opinion, the realm cannot consist without parliaments, but the behaviour of parliament-men ought to be parliamentary. No outrageous speeches were ever used against a great minister of state in parliament, which have not been punished. If a judge of this court utter scandalous speeches against the state, he may be questioned for them before commissioners of Oyer and Terminer; because this is no judicial act of the court.—But it hath been objected; That

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we cannot examine acts done by a higher power. To this I put this case: when a peer of the realm is arraigned of treason, we are not his judges, but the high-steward; and he shall be tried by his peers: but if error be committed in this proceeding, that shall be reversed by error in this court: For that which we do is coram ipso rege. —It hath been objected, That the parliament-law differs from the law by which we judge, in this court, in sundry cases. And for the instance which hath been made, That, by the statute, none ought to be chosen burgess of a town in which he doth not inhabit, but that the usage of parliament is contrary: Yet if information be brought upon the said statute against such a burgess, I think the statute is a good warrant for us to give judgment against him.—And it hath been objected, That there is no precedent in this matter. But there are sundry precedents, by which it appears, that the parliament hath transmitted matters to this court; as 2 Rich. 2. there being a question between a great peer and a bishop, it was transmitted to this court, being for matter of behaviour: and although the judges of this court are but inferiour men, yet the court is higher; for it appears, by the 11 Eliz. (Dyer) That the earl Marshal of England is an officer of this court; and it is always admitted in parliament, That the privileges of parliament hold not in 3 cases, 1. In case of Treason; 2. In case of Felony; and, 3. In suit for the peace. And the last is our very case. Therefore, &c."

Mr. Justice *Crooke* argued to the same intent, he said, "These offences ought to be punished in this court or no where; and all manner of offences, which are against the crown, are examinable in this court. It hath been objected, That by this means, none will adventure to make his complaints in parliament. That is not so; for he may complain in a parliamentary course, but not falsely and unlawfully, as here is pretended; for that which is unlawful cannot be a parliamentary course.—It hath been objected, That the parliament is a higher court than this. And it is true: but every member of parliament is not a court; and if he commit offence, he is punishable here. Our court is a court of high jurisdiction, though it cannot take cognizance of real pleas; but if a real plea comes by error in this court, it shall never be transmitted. But this court may award a Grand Capias, and other process usual in real actions: but of all capital and criminal causes we are originally competent judges; and, by consequence, of this matter. But I am not of the opinion of Mr. Attorney General, That the word Proditore would have made this treason."

And for the other matters, Mr. Justice Crooke agreed with the other judges. Therefore by the court, the defendants were ruled to plead further; and Mr. Lenthal, of Lincoln's-Inn, was assigned of council for them. But, inasmuch as the defendants would not put in other plea, on the last day of the term judgment was given against them upon a nihil dicit; which judgment was pronounced by Mr. Justice Jones, to this effect:

"The matter of the Information now, by the confession of the defendants, is admitted to be true; and we think their plea to the jurisdiction insufficient for the matter and manner of it. And we hereby will not draw the true liberties of parliament-men into question; to wit, for such matters which they do or speak in a parliamentary manner: but, in this case, there was a conspiracy between the defendants to slander the state, and to raise sedition and discord between the king, his peers, and people; and this was not a parliamentary course. All the judges of England, except one, have resolved the statute of 4 Hen. 8. to be a private act, and to extend to Stroud only. But, though every member of the parliament shall have such privileges as are there mentioned, yet they have no privilege to speak at their pleasure. The parliament is an high court, therefore it ought not to be disorderly, but ought to give good example to other courts. If a judge of our court shall rail at the state or clergy, he is punishable for it. A member of the parliament may charge any great officer of the state with any particular offence; but this was a malevolous accusation, in the generality, against all the officers of state; therefore the matter contained within the information is a great offence, and punishable in this court. For the Punishment, although the offence be great, yet that shall be with a light hand, and shall be in this manner: 1. That every of the defendants shall be imprisoned during the king's pleasure: sir John Elliot to be imprisoned in the Tower of London, and the other defendants in other prisons. 2. That none of them shall be delivered out of prison, until he give security in this court for his good behaviour, and have made submission and acknowledgment of his offence. 3. Sir John Elliot, inasmuch as we think him the greatest offender, and the ringleader, shall pay to the king a fine of 2000*l.* and Mr. Hollis a fine of 1000 marks: and Mr. Valentine, because he is of less ability than the rest, shall pay a fine of 500*l.*" And to all this all the other justices, with one voice, accorded. Some of these gentlemen died in prison, because they would not pay the fine; others, not able to pay it, on their petitions, submission, and condition not to come nearer the court than ten miles, and giving a bond of 2000*l.* for their good behaviour, were released.

The King's Proclamation against false Rumours, &c.] Soon after this parliament was dissolved, the King understanding, That several members of the house of commons had industriously spread it about, in different parts of the kingdom; 'That he was for destroying the liberties of the people, by taking Tunnage and Poundage without consent of parliament; that Trade was quite ruined and gone; and Religion in danger;' set forth another Proclamation*; viz.

*Franklyn's Annals, p. 361.

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"By the King: That, notwithstanding his majesty's late Declaration, for satisfying the minds and affections of his loving subjects, some ill-disposed persons do spread false and pernicious rumours abroad; as if the scandalous and seditious proposition, in the house of commons, tumultuously taken by some few, after that by his majesty's royal authority he had commanded their adjournment, had been the voice of the whole house, whereas the contrary is the truth. Which proposition was a thing of a most wicked and dangerous consequence to the good estate of this kingdom; and it appeareth to be so, by those impressions which this false Rumour hath made in men's minds; whereby, out of causeless fears, the Trade of this kingdom is disturbed, and merchants discouraged to continue their traffick. His maj. hath thought it expedient, not only to manifest the truth thereof, but to make known his royal pleasure, That those who raise or nourish false reports, shall be severely punished; and such as chearfully go on with their trades, shall have all good encouragement; not purposing to overcharge his subjects by any new burdens; but to satisfy himself with those duties that were received by the king his father, of blessed memory, which his now maj. neither can nor will dispense withal. And, whereas, for several ill ends, the calling again of a parliament is divulged; howsoever his maj. hath shewed, by his frequent meeting with his people, his love to the use of parliaments; yet, this late abuse having for the present driven his maj. unwillingly out of that course; he shall account it presumption for any to prescribe any time to his maj. for parliaments; the calling, continuing, and dissolving of them being always in the king's own power. And, his maj. shall be more inclinable to meet in parliament again, when his people shall see more clearly into his intents and actions; when such as have bred this interruption shall receive their condign punishment; and those that are misled by them, and such ill reports as are raised upon this occasion, shall come to a better understanding of his maj. and themselves."

Occurrences from the Dissolution in 1628, *to the Meeting of the New Parliament in* 1640.] Thus ended the third parliament of king Charles I. and in the same manner with the two former; the first, as has been said, being dissolved by the influence of the duke of Buckingham, and the last by the lord treasurer Weston. Whitlocke tells us, "That, soon after the dissolution of this parliament, the king took a course to gain the most eminent members, that had been against him, to become of his party, and to do him service. Accordingly sir Dudley Diggs was made master of the rolls, Mr. Noy, Attorney general, and Mr. Littleton, sollicitor."

We have now a long series of years to run over, without the least mention of a parliament; the king and his council being resolved to use their utmost efforts in supporting the state, without the assistance of that other great branch of English legislature. Lord Clarendon observes, 'That the unhappy assaults made upon the prerogative, had produced the untimely dissolution of the last parliament; and the king was resolved now to try if he could not give his people a taste of happiness, and let them see the equity of his government in a single state.'—To this end, by the advice of his council, the king first made a firm peace with both the crowns of France and Spain, upon better terms and conditions than could reasonably have been hoped for. Being secured in that grand point, many projects were set on foot to support the state; which, in a free country, must ever be termed illegal. Supplemental acts of state were made to supply defect of laws. Tunnage and Poundage, denied by parliament, and other duties upon Merchandizes, were collected by order of the board; and new and greater impositions laid upon Trade. Obsolete laws were revived, and rigorously executed; 'By which,' says the noble historian, 'the subject might be taught how unthrifty a thing it was, by too strict a detaining of what was his, to put the king, as strictly, to enquire what was really his own.

For this purpose, in 1630, the antient law of Knighthood was revived; by which a great sum of money was received from men of estates liable to this fine; but though in it's foundation it was right, yet the circumstances in proceeding this way, were thought very grievous. Many other projects were set on foot, some ridiculous and some scandalous, says Clarendon, but all very grievous; the envy and reproach of which came to the king, the profit to other men. Insomuch that of 200,000*l.* drawn from the subject by these ways in one year, scarce 1500*l.* came to the king's use or account. To recompense the damage the crown had sustained by the Sale of the old Lands and the Grants of new Pensions, the old Forest Laws were revived; by which, not only great fines were imposed, but great annual rents intended, and like to be settled by way of contract. This burthen fell mostly on persons of quality and large estates, who thought themselves above ordinary oppressions; and were therefore the more likely to remember it with bitterness.

But the most notorious of all these impositions, and the most remarkable, in the histories of these times, was the affair of Ship-Money. It is said to have been first projected in 1634, by the then attorney-general Noy. It was designed, at first, as an inexhaustible spring, or magazine, that should have no bottom; and for an everlasting supply on all occasions. To this end, a writ was drawn in form of law, and directed to the sheriff of every county in England; "To provide a Ship of War for the king's service; and to send it, amply stored and fitted up, by such a day, to such a place." And, with the writ, were sent Instructions to each sheriff, 'That, instead of a Ship, he should levy upon his county such a sum of money, and

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return the same to the treasurer of the navy for his majesty's use; with direction in what manner he should proceed against such as refused.' By this way, alone, the yearly sum of 200,000*l.* was raised; but, though the receipt of it was levied regularly for 4 years, yet it was, at last, put a stop to, by one private gentleman's refusal to pay 20 or 30 shillings as his share. This occasioned a law suit, between the king and John Hampden, esq.; which was publickly and solemnly argued, in the Exchequer-Chamber, before all the Judges in England: of whom ten gave their opinions for the king's right to impose and the legality of this tax; but, as lord Clarendon again observes, the Judgment proved of more credit and advantage to the gentleman condemned, than to the king's service. But, as all these Taxes and Impositions, as well as the persons concerned in advising of them, will be more largely treated on in the proceedings of the next parliament, we shall wave any further disquisition of them in this place.

In 1637, some disturbances took place in Scotland, in consequence of the introduction of the English Liturgy into that kingdom. The doctrine of John Knox had gained so fast a footing there, that all archbishop Laud's injunctions or admonitions could not remove it. The Scots began to be very tumultuous on this occasion; they petitioned the king and council against the Liturgy; and, at last, entered into a solemn League and Covenant to support their own reformed kirk. To quiet these perturbed spirits, the marquis of Hamilton was sent as the king's commissioner into Scotland; who had a conference and consultation with the Covenanters; and they, demanding a general assembly of the kirk and a parliament, and at the same time, doubling their guards, the marquis thought himself not safe amongst them; but retired to Dalkeith, and sent to the king for new instructions.

In 1638, the king consented to the desires of the Scots, and allowed of both a General Assembly of their Divines, and a Parliament; but yet the Covenanters were not satisfied, and the marquis had many journeys, backwards and forwards, to settle this affair. This year, on his return to Edinburgh, he summoned a council, to whom he delivered the king's letters, containing a Declaration for nulling the Service-Book, High Commission, Canons, &c. An assembly of divines met at Glasgow, against which the Scots bishops protested; but it did not sit long, being quickly dissolved, and the marquis of Hamilton again returned for England.—The earl of Argyle, about this time, joined the Covenanters; and the acquisition of so potent a lord gave them such spirits, that they began to arm in all parts, and even solicited France, an old ally to the Scots nation, to assist them. State-papers were dispersed in England, to vindicate their actions and intentions, which were suppressed by Proclamation.

In 1639, the king finding that nothing could reclaim his natural-born subjects from this enthusiastic attempt, resolved to reduce them by force; and accordingly marched with an army to the Borders, and encamped within two miles of Berwick, and in view of the Scots army. At the same time the marquis of Hamilton appeared with the English navy, at the mouth of the Firth of Edinburgh. Reduced to these straits, the Covenanters thought fit to capitulate; and the king soon granted them a pacification, on their promise to lay down their arms and prove better subjects for the future. Both the armies were disbanded, and the king returning to London, the Scots seditious papers, being disowned by the Covenanters, were publickly burnt.

The king's councils were now said to be chiefly governed by archbishop Laud and the earl of Strafford. The former had been introduced to court by the favour of the duke of Buckingham, made bishop of St. Davids, afterwards of London, and, lastly, archbishop of Canterbury. Sir Thomas Wentworth has already made a figure in these enquiries, as a private gentleman and a member of the house of commons; but will make a much greater soon, under the titles of baron Wentworth, lord-deputy of Ireland, and earl of Strafford.

The late expedition against the Scots had greatly impoverished the king's exchequer, and there being again reason to fear another insurrection in that kingdom, an army was judged necessary to be raised; but no means could be found to support it, except by the assistance of parliament.

A new Parliament called.] Accordingly, by the unanimous advice of his whole council, the king was induced to call a Parliament, and the lord keeper was directed to issue out writs for one to meet on the 13th of April, in the year 1640, and in the 16th of this reign.—According to ancient custom, proclamation was made in the lobby of the house of commons, by order of the lord steward, the earl of Arundel, That all the members should take the oaths of allegiance and supremacy, before him, or they could not take their seats in the house. He also gave orders, That if there were more returned than ought to be, none should be sworn, until it should be decided by the house who were duly elected: and that no earl's eldest son should be called by the title of viscount.

The King's Speech at opening the Session.] April 13. The three estates of the realm being met in the house of lords, with the usual ceremonies and formalities, the king opened the session with a few words to this effect:

"My Lords and Gentlemen, There never was a king that had a more great and weighty cause to call his people together than myself. I will not trouble you with the particulars; I have informed my lord keeper, and commanded him to speak and desire your attention."

The Lord Keeper's Speech.] Then the Lord Keeper, sir John Finch,* spake thus:

"My lords, and you the knights, citizens,

* Speaker of the house of commons during the last parliament.

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and burgesses of the house of commons; You are here this day assembled by his majesty's gracious writ and royal command, to hold a parliament, the general, antient, and greatest council of this renowned kingdom. By you, as by a select choice and abstract, the whole kingdom is presented to his maj.'s royal view, and made happy in the beholding of his excellent and sacred person.—All of you, not only the prelates, nobles, and grandees, but in your persons that are of the house of commons, every one, even the meanest of his maj.'s subjects, are graciously allowed to participate and share in the honour of those counsels, that concern the great and weighty affairs of the king and kingdom. You come all armed with the votes and suffrages of the whole nation; and I assure myself, your hearts are filled with that zealous and humble affection to his maj.'s person and government, that so just, so pious, and so gracious a king hath reason to expect from all his subjects.—I doubt not, but you rejoice at this day's meeting; and methinks you should do so too, for good reason you have to do so; and with all humbleness of heart to acknowledge the great goodness of his maj.; who, sequestering the memory of all former discouragements in preceding assemblies, is now, through a fatherly affection to his people, and a confidence that they will not be failing in their duty to him, graciously pleased to invite you, and all his loving subjects, to a sacred unity of hearts and affections, in the service of him and of the commonwealth: and in the execution of those counsels, that tend only to the honour of his maj. and to the good preservation of you all.—His maj.'s kingly resolutions are seated in the ark of his sacred breast, and it were a presumption of too high a nature, for any Uzziah, uncalled, to touch it; yet his maj. is now pleased to lay by the shining beams of majesty as Phœbus did to Phaëton, that the distance between sovereignty and subjection should not barr you of that filial freedom of access to his person and counsels: only let us beware how with the son of Clymene we aim not at the guiding of the chariot; as if that were the only testimony of fatherly affection: but let us ever remember, that though the king, sometimes, lays by the beams and rays of majesty, he never lays by majesty itself.—In former parliaments you have been advised with, for the preventing and diverting of those dangers, which by foreign and more remote counsels, might have tended to the dishonour and ruin of this nation; but herein his maj.'s great wisdom and providence hath, for many years, eased you of that trouble; his majesty having with great judgment and prudence, not only seen and prevented our danger, but kept up the honour and splendor of the English crown, of which at this day we find the happy experience; Almighty God having vouchsafed such success to his maj.'s counsels, that our Fleece is dry, when it rained blood in all the neighbour states. But what availeth this to the kingdom; Si foris hostem non inveniat, si modo domi inveniet?—You are now summoned to counsels and resolutions, that more nearly concern you; to prevent a danger and a dishonour that knocks at our gates; and that moves from such, from whom we had little reason to suspect it. It is well known upon what happy and solid counsels, one of our wisest kings made a match with Scotland for his eldest daughter. We cannot forget (I am sure we should not) the blessed success that waited upon those counsels, when the crown of England descended upon king James, of ever blessed and famous memory; who, with the fulness of joy to all true English hearts, made his entry here by blood, and not by bloodshed. The wall of separation was thereby taken away; and that glorious king to make his word good, faciam eos in gentem unam, made all England rejoice: and Scotland, I am sure, had no reason to be sorry for it; since they participated of English honours: the wealth and revenue of this nation they shared in; and no good thing was withholden from them; such was the largeness of heart in that most excellent king; and such was the comfort we took in this fraternity, or rather unity; when now both of us had but one brazen wall of fortification to look unto, the sea, and all things so equally and evenly carried between us, that

"Tros Tyriusque mihi nullo discrimine habentur."

'His maj. our most gracious sovereign became heir, as well to his father's virtues as to his kingdoms,

"Pacatumque regit patriis virtutibus orbem,"

and in his gracious and tender affection to that nation, hath given as many indulgent testimonies of love and benignity, as they could expect. Thus became we both like a land flowing with milk and honey; peace and plenty dwelt in our streets, and we have had all our blessings crowned with the sweet hopes of a perpetuity. God found out for my lord the king a companion meet for him, his royal consort, our most gracious queen; who, as she is not to be paralleled for her person and virtue; so hath she made his maj. and the whole kingdom most happy and blessed, in the sweetest pledges of their love and our hopes, which now stand like olive-branches about the throne or table: but what I sorrow for, civiles furores patriæ nimia infelicitas. For when his maj. had most reason to expect a grateful return of loyalty and obedience from all the Scots nation, some men of Belial, some Zeba, hath blown the trumpet there; and, by their insolences and rebellious actions, draw many after them, to the utter desertion of his maj.'s government; his maj. and his kingly father's love and bounty to that nation quite forgotten, his goodness and piety unremembered.—They have led a multitude after them into a course of disloyalty and rebellious treason; such as former times have not left in mention, nor this present age can any where equal; they have taken up arms against the Lord's Anointed, their rightful prince, and

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undoubted sovereign; and, following the wicked counsels of some Achitophels, they have seized on the trophies of honour, and invested themselves with regal power and authority: such and so many acts of disloyalty and disobedience, as (let their pretences be what they will) no true English or Christian heart but must acknowledge them to be the effects of foul and horrid treason.—The last summer his maj. at his own charge, and at the vast expence of many of his faithful and loving subjects of England, went with an army: then they took upon them the boldness to outface and brave his royal army, with another of their own raising: yet, for all this, his maj.'s goodness was not lessened by that; nor could his gracious nature forget what he was to them, nor what they were to him; but considering with himself they were such, 'quos nec vincere, nec vinci gloriosum fuerit,' out of his piety and clemency he chose rather to pass by their former miscarriages, upon their humble protestations of future loyalty and obedience, than by just vengeance to punish their rebellion.—But his maj. who is ever awake for the good and safety of all his subjects, hath since too plainly discovered, that they did but prevaricate with him to divert the storm which hung over their heads; and, by gaining time to purchase to themselves more advantage, for pursuing their rebellious purposes.—For, since his maj. came from Berwick, it is come to his certain knowledge, that instead of performing that loyalty and obedience, which by the laws of God, of nature, and nations, they owe unto him; they have addressed themselves to foreign states, and treated with them to deliver themselves up to their protection and power (as by God's great providence and goodness, his gracious majesty is able to shew under the hands of the prime ring-leaders of that faction) than which nothing could be of more dangerous consequence to this and his majesty's other kingdoms. Whosoever they be that do or shall wish England ill, they may know it to be of too tough a complexion and courage, to be assailed in the face, or to be set upon at the fore-door; and therefore it is not unlikely, but they may, as in former times, find out a postern-gate.—There were heretofore two of them, Scotland and Ireland, and both of them had their several defences. Ireland, through his majesty's just and prudent government, is not only reduced from the distemper of former times, but settled in such a condition of peace; and during his majesty's happy reign, so altered and civilized, that instead of being a charge to him, as it was to his predecessors, it hath yielded to him some revenue; and his subjects there do daily give very acceptable testimonies of their loyal and dutiful affection, both to his person and government. And now lately, at the parliament assembled, they have not only, with full and free consent, made his maj. a cheerful aid towards his present preparations to reduce his disaffected subjects in Scotland to their due obedience; but they have also professed and promised, that they will be ready with their persons and estates, to the uttermost of their ability, for his majesty's future Supply; as his great occasions, by the continuance of his forces against that distemper, shall require; so that the hopes of hurting England that way are quite extinct. Scotland then, only, remains; whither, as to a weak and distempered part of the body, all the rheumes and fluxes of factions and seditious humours make their way. His maj. hath taken all these and much more into his princely consideration; and to avoid so manifest and apparent a mischief, threatened to this and his other kingdoms, hath resolved, by the means of a powerful army, to reduce them to the just and modest conditions of obedience and subjection.—It is a course his maj. takes no delight in, but is forced unto it; for such is his majesty's grace and goodness to all his subjects, and such it is and will be to them, how undutiful and rebellious soever they now are; that, if they put themselves into a way of humility becoming them, his majesty's piety and clemency will soon appear to all the world: but his maj. will not endure to have his honour weighed at the common beam; nor admit any to step between him and his virtue; and therefore as he will, upon no terms, admit the mediation of any person whatsoever; so he shall judge it as high presumption in any person to offer it; and as that which he must account most dangerous to his honour, to have any conceit that the solicitation of others can, by any possibility, better incline him to his people than he is, and ever will be, out of his own grace and goodness.—The charge of such an army hath been thoroughly advised, and must needs amount to a very great sum, such as cannot be imagined to be found in his majesty's coffers; which, how empty soever, have neither yet been exhausted by unnecessary triumphs or sumptuous buildings, or other magnificence whatsoever; but most of his own revenue, and whatsoever hath come from his subjects, hath been by him employed for the common good and preservation of the kingdom, and, like vapours arising out of the earth and gathered into a cloud, are fallen in sweet and refreshing showers upon the same ground. Wherefore his maj. hath now, at this time, called this parliament; the second means, under God's blessing, to avert these publick calamities threatened to all his kingdoms, by the mutinous behaviour of the Scots.—And as his majesty's predecessors have accustomed to do with your fore-fathers, so his maj. now offers you the honour of working together with himself, for the good of him and his, and for the common preservation of yourselves and your posterity.—Counsels and deliberations that tend to benefit or profit may endure disputes and debates, because they seem only accompanied with persuasions: but deliberations that tend to preservation are waited upon by necessity, and cannot endure either debate or delay; of such nature are the bleeding evils that are now to be provided against.—This summer must not be lost,

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nor any minute of time unbestowed, to reduce those of Scotland; lest by protraction here they gain time and advantage to frame their parties with foreign states.—His maj. doth therefore desire, upon these pressing and urgent occasions, that you will for a while lay aside all other debates; and that you would pass an act for such and so many Subsidies, as you, in your hearty affection to him and to your common good, shall think fit and convenient for so great an action; and withal that you would hasten the payment of it, as soon as may be: with a proviso in the act, that his majesty's royal assent shall not determine this session. And his maj. assures you all, that he would not have proposed any thing out of the ordinary way; but that such is the straitness of time, that unless the Subsidies be forthwith passed, it is not possible for him to put in order such things as must be prepared before so great an army can be brought into the field. —And indeed, had not his maj. upon the credit of his servants, and security out of his own estate, taken up and issued between 3 and 400,000l. it had not been possible for his maj. to have provided those things to begin with, which were necessary for so great an enterprize; and, without which we could not have secured Berwick and Carlisle; or avoided those affronts which the insolency of that faction might have put upon us, by injuring the persons and fortunes of his loyal subjects, in the Northern parts, —To avoid all question and dispute that may arise touching his majesty's taking of Tonnage and Poundage, his maj. hath commanded me to declare unto you, that he hath taken it only de facto; according to the example of former kings, from the death of their predecessors, until the parliament had passed an act for it themselves. That, in like manner, his maj. desires not to claim it but by grant of parliament; for this purpose his maj. hath caused a bill to be prepared in the same form as it passed to his royal father, adding only words to give it him, from the first of his majesty's reign.—This and the bill of Subsidies his maj. expects, for the pressing reasons before delivered unto you, may be dispatched with all speed; which his maj. commanded me to tell you he shall graciously accept, as the welcome pledges of your loving, happy, and dutiful affection to him, his person, and government.—And his maj. is most graciously pleased to give you his Royal Word, that afterwards he will give you time for considering of such petitions as you shall conceive to be for the good of the common-wealth; even now before you part, according as the season of the year, and the great affairs in hand will permit; and what is now omitted, his maj. will give you time to perfect towards winter, when your own leisure and conveniency may better attend it; he knowing well that these Subsidies can be of little use, without that more ample Supply which his maj. expects upon the happy conclusion of this session; and therein his maj. is graciously pleased, according to the antient way of parliaments, to stay till your just Grievances be heard and redressed.—And his maj. assures you, that he will go along with you for your advantage, through all the gracious expressions of a just, a pious, and gracious king; to the end there may be such a happy conclusion of this parliament, that it may be a cause of many more meetings with you.—I have now delivered what I had in command from his majesty."

The King produces a Letter from several Scots Lords to the French King.] After this the king further expressed himself and said;

"My Lords, You shall see he hath spoken nothing hyperbolically, nor nothing but what I shall make good one way or other. And because he did mention a Letter, by which my subjects in Scotland did seek to draw in foreign power for aid, here is the original letter, which I shall command him to read unto you. And because it may touch a neighbour of mine, whom I will say nothing of but that which is just, God forbid I should; for my part, I think it was never accepted of by him; indeed it was a Letter to the French King, but I know not that ever he had it; for by chance, I intercepted it as it was going unto him; and therefore I hope you will understand me right in that."

His maj. delivering the Letter to the lord keeper, his lordship began to read it, and observed as followeth: "The superscription of the Letter is this, *Au Roy*. For the nature of this superscription, it is well known to all that know the stile of France, that it is never written by any Frenchman to any but their own king; and therefore, being directed *Au Roy*, it is to their own king; for so in effect they do, by that superscription, acknowledge."

Then his lordship read the Letter in French, which done, he added; "His majesty commanded me to read it in English to you, as it is translated from the original in French under their own hands: viz.

"Sir; Your majesty being the refuge and sanctuary of afflicted princes and states, we have found it necessary to send this gentleman, Mr. Colvil, by him to represent unto your maj. the candor and ingenuity as well of our actions and proceedings, as of our intentions; which we desire should be engraven and written to the whole world, with a beam of the sun, as well as to your maj. We most humbly beseech you therefore, to give faith and credit to him, and all he shall say on our part concerning us, and our affairs; being most assured of an assistance equal to your accustomed clemency heretofore, and so often shewed to this nation, which will not yield to any other whatsoever, the glory to be, eternally, Your majesty's most humble, obedient and affectionate Servants. Rothes, Montross, Lesley, Marre, Montgomery, Lowdon, Forester."

Then the King added; "Of these gentlemen that have set their hands to this Letter, here is one, and I believe you would think it very strange if I should not lay him fast; and there-

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fore I have signed a warrant to lay him close prisoner in the Tower. My lords, I think (but that I will not say positively, because I will not say any thing here but what I am sure of) I have the gentleman, that should have carried the letter, fast enough; but I know not, I may be mistaken."

And then the Lord Keeper concluded: "Gentlemen, You of the house of commons, his majesty's pleasure is, That you do now repair to your own house, there to make choice of your Speaker; whom his maj. will expect to be presented to him on Wednesday next, at 2 in the afternoon."

John Glanville, Esq. elected Speaker.] The commons, being returned to their house, made choice of John Glanville, esq. serjeant at law, for their Speaker; of whom lord Clarendon gives this character. "That he was a man very equal to the work, very well acquainted with the proceedings in parliament, of a quick conception, and of a ready and voluble expression, dextrous in disposing the house, and very acceptable to them."

The Speaker's Speech to the King to be excused.] April 15. About 2 in the afternoon, the king came by water, and landed at Parliament-Stairs. About half an hour after, a messenger, who, by some of the privy-council, was said to be a quarter-waiter on his majesty, came and told the Speaker elect, that the king was set and staid for him. It is remarkable that the last session of parliament, Mr. Maxwell, gentleman-usher of the house of lords, omitted also to come; and it was then taken ill, being thought an undervaluing and dishonour to the house, as it appears by the Journal-Book of that session. However, upon this occasion, the Speaker commanded the waiter to tell Mr. Maxwell, That it was his duty to have come and brought the Message himself: but because they would not, by any disturbance, make the king wait, the Speaker, accompanied by the house, went up at this summons. On his coming to the bar of the house of lords the Speaker made three obeysances, and then spoke as follows;

"May it please your majesty; The knights, citizens, and burgesses of your commons house of parliament, in conformity to most antient and most constant usage, the best guide in great solemnities; according to their well-known privileges, a sure warrant for their proceedings; and in obedience to your majesty's most gracious counsel and command, a duty well becoming loyal subjects; have met together in their house, and chosen a Speaker; one of themselves to be the mouth, indeed the servant, of all the rest; to steer, watchfully and prudently, in all their weighty consultations and debates; to collect, faithfully and readily, the genuine sense of a numerous assembly; to propound the same seasonably, and to mould it into apt questions, for final resolutions; and so represent them and their conclusions, their Declarations and Petitions, upon all urgent occasions, with truth, with right, with life, with lustre, and with full advantage, to your most excellent maj. With what judgment, what temper, what spirit, what elocution he ought to be endowed and qualified, that, with any hope of good success, should undergo any such employment, your maj. in your great wisdom, is best able to discern and judge; both as it may relate to your own peculiar and most important affairs of state and government, and as it must relate to the proper business of your house of commons; which was never small nor mean, and is like, at this time, to be exceeding weighty.—Had your house of commons been as happy in their choice (as they were regular, well-warranted, and dutiful) of myself, who stand elected yet to be their Speaker; and am now presented by them to your maj. for your gracious and royal approbation; I should not have needed to become troublesome to your maj. in this suit, for my releasement and discharge; which, now, in duty to your maj. and care for the good, prosperity, and success of your affairs, I hold myself obliged to make. My imperfections and disabilities are best known to myself; and to your maj. I suppose, not altogether unknown; before whom, in the course of my practice and profession, it hath been your goodness towards the meanest of your subjects, divers times to do me the honour and favour to appear and bear a part, as an ordinary pleader.

"It is a learned age wherein we live, under your majesty's most peaceful and flourishing government: and your house of commons, as it is now composed, is not only the representative body, but the abstracted quintessence of the whole commonalty, of this your noble realm of England: there be very many amongst them, much fitter for this place than I am; few or none, in my opinion, so unfit as myself.—I most humbly beseech your maj. (as you are the father of the commonwealth and head of the whole parliament, to whom the care of all our welfare chiefly appertains) have respect to your own ends; have regard to your house of commons; have compassion upon me, the most unworthy member of that body, ready to faint with fears, before the burthen light upon me: let not your maj. through my defect, stand exposed to any hazard of disservice: I have only a hearty desire to serve you; very little abilities for performance.—In the fulness, therefore, of your kingly power, your piety and your goodness, be graciously pleased to command your house of commons, once more to meet together, to consult and deliberate better, about their choice of a meet Speaker; till they can agree of some such person, as may be worthy of their choosing, and of your majesty's acceptation."

The Speaker's Election confirmed by the King.] The Lord-Keeper, after directions received from his majesty, answered:

"His majesty, with a gracious ear and a princely attention, hath listened to your humble and modest excuse, full of flowers of wit, of flowers of eloquence, and flowers of judgment.

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Many reasons from yourself he hath taken, to approve and agree to the choice and election, made by the house of commons; but finds none, from any thing that you have said, to dissent or disagree from it; since you have set forth your inabilities with so much ability; you have so well decyphered and delineated the parts, duties, and office of a good Speaker; which is to collect the sense of the house judiciously, to render it with fidelity, to sum it up with dexterity, and to mould it into fit and apt questions for resolutions; and those, as occasion shall serve, to present with vigour, advantage, and humility, to his maj. He doubts not, but you, that are so perfect in the theorick, will, with great ease, perform the practick part, and with no less commendation.—His maj. hath taken notice, and well remembers, your often waiting on him in private causes; wherein you have always so carried yourself, and won so much good opinion from his maj. as he doubteth not but that now, when you are called forth to serve him and the public, your affections and the powers of your soul will be set on work with more zeal and more alacrity. It's that for which the philosophers call a man happy, when men, that have ability and goodness, do meet with an object fit to bring it into act; and such, at this time, is your good fortune, an occasion being ministered unto you, to shew your ability and goodness, your fidelity to his majesty's service, and the candor and clearness of your heart towards those of the house of commons: in all which his maj. nothing doubteth, but you will so discharge yourself, as he may, to his former favours, find occasion and reason to add more unto you; that the house of commons may rejoice in this election of theirs; and that the whole kingdom, by your good, clear, and candid service, may receive fruits that may be comfortable unto all. His maj. therefore, doth approve and confirm the choice of the house of commons, and ratifies you for their Speaker."

The Speaker's Reply to the King's Confirmation.] Then the Speaker addressed himself again to his majesty:

"Most Gracious Sovereign; My profession hath taught me, that from the highest judge and highest seat of justice, there lyeth no Writ of Error, no appeal. Your maj. in full parliament, hath been pleased, by the mouth of the lord-keeper, to declare your royal judgment in affirmation of the election of your house of commons, whereby I am become their Speaker, and their servant. What is there therefore left unto me? But in the first place devoutly to beseech Almighty God, the Author and Finisher of all good works, to enable me, by his blessing, to discharge, honestly and effectually, so great a task, so great a trust.—And, in the next place, humbly to acknowledge, as I do, the great grace and favour, that is done unto me by your maj.; and readily to conform myself to your good pleasure and command, to which I now submit with all possible chearfulness; lest else my too much diffidence to undertake the service might add a further disadvantage to my performance, than peradventure would arise out of my other imperfections.—Two enemies I might fear, the common enemies of such services, Expectation and Jealousy: I am not worthy of the former, and I contemn the latter. Time that trieth truth, shall let the whole world see and know, that I am, and will be found, an equal freeman; zealous to serve my gracious king, and zealous to serve my dearest country.—Monarchy, royal and hereditary, is of all sorts of government the most compleat and excellent; whether we regard the glory, the wealth, or the safety of the governor or of the people, or of both. And I hope there are not of this nation any that are of antimonarchial spirits or resolutions, no, nor dispositions, nor friends to such as are so; if there be, I wish no greater honour to this parliament, than to discover them; and by all means possible to assist your gracious maj. to suppress them, or to confound them.—You are a great king at all times, but, sitting now attended by your prelates, your lords, and people in free parliament, are in the highest state of majesty and glory.—I remember well, I heard your majesty's most royal and learned father, our late dear sovereign king James of sacred memory, speak to that purpose of himself and of kings in general; his maj. sitting then in parliament, upon that throne which, by descent from him, and from innumerable royal ancestors, is now become your majesty's lawful seat and rightful inheritance.—To behold you thus in peace and safety, upon this great and good occasion, after full 15 years experience of your most peaceful government, yields most compleat joy to all your majesty's loyal and well-affected subjects; who cannot but concur with me in this desire,

"Serus in cœlum redeas, diuque
"Lætus intersis populo Brittanno."

England is your seat of residence, not made a province, nor governed by a vice-roy. God open all our eyes and understandings, to discern and value the great blessings and benefits we enjoy, by your majesty's gracious presence and immediate influence of life and chearfulness to all the parts of these your noblest kingdoms!—Scotland is your birth place, and therein hath advantage of your other realms; God make them, and keep them, ever sensible and worthy of that honour.—Ireland begins a-pace to imitate England, in a great and quick progression in civility of manners and conversation; by many sedulous plantations and improvements of the soil; by their receiving and enacting of the more wholesome laws and statutes of this Kingdom; and by many other good effects and fruits of peace and blessed government.—France is still an attendant to your royal stile and title.—The prerogative of a king is as necessary as it is great: without it, he would want that power and majesty which is, and ought to be, inseparable from the crown and scepter. Nor can there

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any danger result, from such prerogative in the king, to the liberty of the subject; so long as both of them admit the temperament of law and justice: especially under such a king as your maj. who, to your immortal glory, among your printed laws, have published this to the whole world for your maxim, 'The Liberty of the people strengthens the king's prerogative, and the king's prerogative is to defend the people's liberty,' (p. 409). A maxim like 'Apples of gold in pictures of silver!'—Kings, as they are kings, are never said to err, only the best may be abused by misinformation. The highest point of prerogative is, 'The King can do no wrong.' If therefore, by the subtilty of misinformers, by the specious false pretences of public good, by cunning and close contrivance of their ways to seduce; the sacred royal person shall, at any time, be circumvented or surprized, or over-wrought and drawn to command things contrary to law, and that the same be done accordingly: these commands will be void, and the king innocent, even in his very person, being defended by his prerogative: nevertheless the authors of such misinformations, and actors in those abuses, will stand liable and exposed to strict examination and just censure; as having nothing to defend themselves but the colour of a void command, made void by just prerogative, and by the fundamental and true reason of state and monarchy: and what difference is there, or can be in law, between a void command, and no command at all?—If Religion, Justice, and Mercy, all happily assembled and graciously lodged together in your royal breast, may give to your well-affected subjects a good hope of the good success of this parl.; I know not why we should not, all of us, expect it with much confidence. Some few particulars, pertaining to these general heads, I humbly beg of your maj. that, without offence to your sacred ears, I may have leave to mention and observe, for the further comfort of myself and all that hear me.—What prince of this land was ever known to keep the hours and times set for prayer, and for the service of Almighty God, with that regularity and constancy as your majesty? Nay more, have you not ever since your access to the crown, had one day in every week, besides the Lord's day, dedicated and applied to preaching and devotion? I may not stay here, there is another particular equalling, nay much excelling both the former: and that is your majesty's great care to educate those pledges of conjugal and most abundant mutual love, that is between your majesty and your most gracious consort, the best queen and woman, and the foundation of our future hopes, the most illustrious prince Charles, and the rest of your royal progeny, in the true religion of Almighty God, publickly professed and by law established in this kingdom: what tongue is able to express the great joy and comfort, which all your majesty's most loyal and loving subjects do derive unto themselves, in contemplation of your majesty's great piety and prudence in this one act expressed, extending itself not only to the present time, but to the good of succession in all after-ages!—Touching Justice, there is not any more certain sign to discern an equal judge, than by his patience to be well informed before he give his sentence; and I may boldly say all your judges, throughout all your kingdoms, may take example by your majesty, and learn their duty from your practice in this kind. I myself have often been witness of it to my no little admiration and content. From your patient hearing, let me pass on to your righteous judgment; and therein bring but one instance, but it shall be a great one. When your lords and your people, in your last parliament, presented to your majesty a Petition, concerning divers Rights and Liberties of your subjects; the Petition being of no small weight and importance, as by the same may well appear, your maj. after meet deliberation, in few but effectual words, (soit droit fait comme il est desiré) made them such an Answer, as shall renown you for just judgment, in this age and to all posterity.—I make haste to come to your Mercy, whereof I cannot but have need again and again, before I have finished that service to which I am enjoined; and am not, altogether, in despair of obtaining it: nevertheless the Mercy, which I mean to celebrate, is not only concerning single or particular persons, but whole nations; that unexampled mercy and clemency, which (in your royal wisdom and abundant goodness, happily met together) your maj. vouchsafed to shew to us and all your kingdom; in not drawing your sword of justice, the last summer, against your people of Scotland, though your armies were much the better and the stronger.—It seems your majesty remembered, with more tenderness of heart than they do, that they were christians and your subjects, and that your power was posse & nolle nobile. Whatsoever might be the rule that inclined you to mercy, I am sure the benefit redounds to us and ours; who, by this means, are still in peace and tranquility, not without good hope of long continuance: a blessing peradventure undervalued by us, we have had so much of it, under your majesty's most gracious father's royal government.—I have yet no instructions from your house of commons, therefore can propound nothing as by warrant from them: but, if I may have leave to present to your majesty my own most humble and most hearty wishes and desires, they be directed to Religion, and Chivalry, Commerce, Justice, and Unity.—That this parliament may be famous for the care and contentment of God's true Religion in this world and that to come; and to that purpose, that the most reverend prelates, your majesty's archbishops and bishops, sitting on the right hand of your throne, will be therein most forward, to whom it is most proper.—That the lords temporal, girt with their swords in their creation, as more specially rewarded, or designed for actions military, would call to mind the most noble and most

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valiant of their ancestors, whose lands and honours they inherit; and how famous this land hath been at home and abroad, for deeds of arms and acts of Chivalry; and to labour to restore it, by all means, to its antient glory. The best way to preserve peace is to be ready prepared and well fitted for war. That your majesty would be pleased to command, that your grave and reverend judges, whose observations should exceed all other men's, though they be but assistants in this service, to contribute the best and utmost they can, to explain, to execute, to advance our good old laws; and to propound such things for the enacting of wholsome and plain new statutes, that every subject of this realm may be enabled to know and understand himself clearly, both what he hath to do, and what he may possess, and what not. There are no considerable mines royal in this kingdom: trade and commerce, the exportation of our wools in manufactures, and native commodities, is that which furnisheth us with gold and silver, the materials of our monies; and hath the only power to enable us to supply your majesty, for the defending of ourselves, and offending of others. That merchants and tradesmen, therefore, should have all meet encouragement, is a most special interest of this island.—But, were we never so valiant, never so wealthy, if love and unity be not amongst us, what good will our wealth do to ourselves, or to your majesty? He that commands a heart in love, he, and he only, commands, assuredly, the purse to pay, and the hands to fight. I pray God, therefore, that we may all endeavour to knit such a knot of true affection, betwixt the head and members; that all jesuited foreign states, who look perchance with envious and malignant eyes upon us, and would be glad to rejoice in our divisions, may see themselves lost and defeated of all their subtle plots and combinations, and of all their wicked hopes and expectations to render us, if their endeavours might prevail, a people inconsiderable at home, and contemptible abroad.—Religion teacheth us, 'Si Deus nobiscum, quis contra nos?' And experience, I hope, will teach us, 'Si simus inseparabiles sumus insuperabiles.' It was wont to be, and I hope it ever will be, the tenet and position of your house of commons, That the good of the king and of the people cannot be severed: and cursed be every one that shall go about to divide them.—I fear I have ventured too far on your royal patience, though yet I confess I never knew it wearied; nevertheless I will here conclude. Only first beseech your gracious majesty, in the name and right of the whole house of commons, that, in your justice, you would be pleased to grant and confirm to them, for their better encouragement to proceed in their great business, these their antient and just liberties, which, time out of mind, they have rightfully enjoyed."

The Speaker then made the usual requests for privilege, &c. which being all granted and confirmed, the commons returned to their house; and, after reading one bill, according to custom, adjourned till the next morning, 8 of the clock. The old parliament-hour was to meet at 8 and sit till 12; that the committees, on whom the greatest business depended, might have the afternoons for their preparation and dispatch.

April 16. Secretary Windebank acquainted the commons with the particulars of the Scots Letter to the French king, mentioned two days before; and the Speaker declared, That he had the King's commands to make a report to the house of what was delivered by himself and the lord keeper, at the opening.—A motion was made for a conference with the lords about appointing a Fast, which was agreed to.

April 17. The commons began with regulating elections, &c. after which the Speaker made a report of the speeches delivered by the king and the lord keeper, which was ordered to be entered in their Journals; but with this proviso, That it was done by his majesty's special command; and that this should be no precedent to following Speakers, but upon the like special command or desire of the house.—In this recapitulation of the foregoing speeches, the affronts and indignities offered by the king's Scots subjects, as also their palpable practising of treason with the French king, were mentioned; but no notice was taken of them by the house. Instead of that they fell, again, upon Grievances: and the following Plan was proposed as a rule to go by: 1. Against the Liberty of Parliament; 2. Against the Preservation of Religion; 3. Against the Conservation of the common Liberties of the Kingdom: these Grievances being accounted more hurtful to the king, both in point of honour, profit and safety, than to any other member whatsoever, in respect of the great interest he has in the kingdom.

Debate on Petitions from several Counties relating to Grievances.] Petitions from the counties of Northampton, Middlesex and Sussex, were delivered to the house by the respective knights of those several shires, complaining of different Grievances, which were postponed to be debated on, by a committee of the whole house, the next morning.

April 18. Two more Petitions were delivered from the counties of Essex and Hertford, in the same manner as the former. This last complained expresly against Ship-Money, Projects, Monopolies, the Star-Chamber, High-Commission-Court, and other Grievances to the people, both in church and state. Other Petitions, to the like purpose, being received and read,

Mr. *Harbottle Grimstone* stood up, and spoke to the effect following: 'Mr. Speaker, We are called by his maj. to consult together of the great and weighty affairs of the state and kingdom. There hath now a great and weighty business been presented to this house; and a Letter hath been read, importing, according to the interpretation which hath been collected out of it, a defection of the king's na-

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tural subjects. This is a great cause, and very worthy of the consideration and advisement of this great council: but, I am very much mistaken, if there be not a case here at home of as great danger as that which is already put. The one stands without at the back-door, for so dangers from thence in all our histories have ever been termed; but the case we will put, is a case already upon our backs. And in these great cases of danger, which so much concern the welfare of the body politick, we ought to do like skilful physicians, that are not led in their judgments so much by outward expressions of a disease, as by the inward symptoms and causes of it; for it fares with a body politick, as it doth with a natural body. It is impossible to cure an ulcerous body, unless you first cleanse the veins, and purge the body from the obstructions and pestilent humours that surcharge nature; and, that being once done, the blotches, blanes, and scabs, which grow upon the superficies and outside of the body, will dry up, shed, and fall away of themselves. The danger that hath now been presented to the house, it standeth at a distance; and we heartily wish it was further off: yet, as it stands at a distance, it is so much the less dangerous. But the case I shall put, is a case of greater danger here at home; and is so much the more dangerous, because it is home-bred, and runs in the veins. If the one shall appear to be as great a danger as the other, we hope it will not be thought unseasonable at this time, to put the one as well as the other. —Mr. Speaker, The case is this, the charter of our liberties, called Magna Charta, was granted unto us by king John; which was but a renovation and restitution of the antient laws of this kingdom. This charter was afterwards, in the succession of several ages, confirmed unto us above 30 several times; and in the 3rd year of his majesty's reign that now is, we had more than a confirmation of it; for we had an act declaratory passed: and then, to put it out of all question and dispute for the future, his maj. by his gracious Answer, 'Soit Droit fait comme il est desiré,' invested it with the title of Petition of Right. What expositions contrary to that law of right, have some men given to the undermining the liberty of the subject, with new-invented subtile distinctions; and assuming to themselves a power, I know not where they had it, out of parliament, to supercede, annihilate, and make void the laws of the kingdom? The common-wealth hath been miserably torn and massacred, all property and liberty shaken, the church distracted, the gospel and professors of it persecuted, and the whole nation over-run with swarms of projecting canker-worms and caterpillars, the worst of all the Egyptian plagues: then, as the case now stands with us, I conceive there are two points very considerable in it. The first is, What hath been done any way to impeach the liberties of the subject, contrary to the Petition of Right? The second is, Who have been the authors and causes of it?—The serious examination and discussion of these two questions do highly concern his maj. in point of honour, and his subjects in point of interest: and all that I shall say to it, are but the words that Ezra used to king Artaxerxes of the settlement of that state, which at that time was as much out of frame and order, as ours at this present; that which cured theirs, I hope will cure ours: his words are these, 'Whosoever hath not done the laws of God and the king, let judgment be speedily executed upon him, whether it be unto banishment, or to confiscation of goods, or to imprisonment.' It may be, some do think this a strange text, and it is possible some may think it as strange a case: as for the text, every man may read it that will; and, for the case, I am afraid there are but few here, that do not, experimentally, know it as bad as I have put it; and how to mend a bad case, I take it, is part of the business we now meet about.—His maj. yesterday did graciously confirm unto us, our great and antient liberties of freedom of speech; and having his kingly word for it, I shall rest as confidently upon it, as the greatest security under Heaven, whilst I have the honour to have a place here; and I shall, with all humility, be bold to express myself like a freeman. —The diseases and distempers, that now are in our bodies politic, are grown to that height, that they pray for and importune a cure. And his maj. out of his tender care and affection to his people, like a nursing father, hath now freely offered himself to hear our Grievances and complaints. We cannot complain we want good laws: for the wit of man cannot invent better than are already made: there want only some examples, that such as have been the authors and causes of all our miseries and distractions in church and commonwealth, contrary to these good laws, might be treacle to expel the poison of mischief out of others. But my part is only ostendere partem; therefore, having put the case, I must leave it to the judgment of this house, Whether our dangers here at home, be not as great and considerable, as that which was even now presented.'

Sir *Benj. Rudyard.* 'There is a great door opened unto us of doing good, if we take the advantage thereof: we are here met, by the blessing of God and our king. Parliaments have of late days become unfortunate; it is our duty, by our good temper and carriage, to restore them to their antient lustre. There be some here present who can remember the breaking up of the last parliament; a business certainly from which the Papists at that time were not exempt; who now, by the discontinuance of parliaments, are come to that arrogance and boldness, that they contend with us, who are the better subjects. Their envy I like, but their presumption is not to be borne. I wish them no harm, but good; for I desire their conviction: and the way to do that, is to set up better lights who have warmth in them, and are not luke-warm in religion. Surely

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they that quarrel betwixt preaching and prayer, and would have them contend, never meant well to either: but both must have their due. And yet I know not how it comes to pass, but it happeneth to us, which is in no other religion in the world, that a man may be too religious; and many a one, by that scandal, is frighted into a deep dissimulation. It is wisdom in us, to preserve temper and moderation; for breaking of parliaments makes dangerous wounds in the body politic; and if the splinters be not pulled out with a gentle hand, we may hereafter despair of cure. In 14 Edw. 3, Subsidies were given to the king for his expedition into France; but by the ill management of his treasure here, he was so low, that he was glad to make truce with the French king. In 15 Edw. 3. he returns, and summoned a parliament, wherein there was nothing but jealousies and distempers. In 17 Edw. 3. he called another parliament, to procure an atonement with his subjects, which took good success by their humble carriage to him, and his willingness to ratify their liberty; whereby all breaches were then made up.—A parliament is the bed of reconciliation between king and people; and therefore it is fit for us to lay aside all exasperations, and carry ourselves with humility: howbeit the king's prerogative may go far, yet if it be swayed with equanimity, it may be the better borne. Princes are, and will be, as jealous of their power, as the people of their liberties; though both are then best, when kept within their several bounds. Levying of monies is a great disturbance to the subject; and so will be the scarcity of the king's revenues, until they be supplied. And where the power of the king and necessity meet in one hand, he will not long be disappointed. But, before the ending of this parliament, (the untimely breaking whereof would be the breaking of us) I doubt not but his majesty's revenues may be so settled, that he may live plentifully at home and abroad; and without taking any thing from his maj. save that, which, of itself, would fall away.—In former parliaments, the carriage of some hath been so haughty, as though parliaments would last always; and the carriage of others, as if there would be never any again. And therefore a moderation, if we love ourselves, is requisite. The delays of remedies are well known, how dangerous they are to the commonwealth and religion; seeing that, during this vacation of parliaments, so many disorders have been committed, by innovations in religion, violation of laws, and intrusions upon our liberties. To set all these aright, is now our task: and, if in these tempting provocations, we bear a temperate moderation, we shall not miss of our end; but shall vindicate God in his religion, the king in his honour, and the commonwealth in its gasping extremities. If temper and moderation be not respected by us, beware of having the race of parliaments rooted out.—Men and brethren, What shall we do? If it were for my life, I would desire nothing more, than that we proceed with moderation; that so we may have many happy parliaments, and that no dismal event may happen to any: for when parliaments are gone we are lost.'

Mr. *Pym*, whom lord Clarendon calls a man of good reputation, but much better known afterwards; and as long acquainted with those assemblies as any man then living, spoke last in this debate. His speech of two hours length is thus abridged by Mr. Rushworth:—'He that takes away weights from the motions, doth as good service, as he that adds wings unto them. These weights are old Grievances. He therefore will do a good work for the king, who, to expedite his designs, will set good rules and patterns for effecting thereof. When God made the world, he did it by a pattern which himself had conceived: and Moses did according to the pattern he saw in the mount. I shall, therefore, offer you a model of the Grievances which afflict the commonwealth; which have disabled us to administer any Supply, until they be redressed, and will still disable us; which Grievances may be reduced to 3 heads. 1. Those Grievances, which, during these 11 years interval of parliaments, are against the Liberties and Privileges of Parliament. 2. Innovations in matters of Religion. 3. Grievances against the Property of our Goods. Which Grievances I will first propound: secondly, shew that the permission of them is as prejudicial to his maj. as to the commonwealth: and thirdly, I will shew what way they may be remedied. In all these, I shall take care to maintain the great prerogative of the king; which is, 'That the king can do no wrong.'—And first, I will begin with the Grievances against the Privileges and Liberties of Parliament. We all know, that the intellectual part, which should govern all the rest, ought to be kept from distemper; for it is that which purgeth us from all errors, and prevents other mischiefs for time to come. If the understanding part be hurt the mind cannot perform her function. A parliament is that to the commonwealth, which the soul is to the body; which is only able to apprehend and understand the symptoms of all such diseases, which threaten the body politic. It behoves us, therefore, to keep the faculty of that soul from distempers.—I shall briefly give you a view of such occurrences, as have altered the happy and healthful constitution of it: and, in the first place, I must remember the breaches of our Liberties and Privileges of parliament, which are:—1. In that the Speaker, the last parliament, the last day of it, being required to put the question, the house was commanded they should not speak. These are conceived to be the grounds of whatsoever befel those gentlemen, which so lately suffered. It is true, the house was commanded to adjourn presently; yet whilst the house sate, God forbid we should be barred from offering the last sighs and groans to his majesty. 2. In that the parliament was then dissolved, before our Grievances had redress; or before we could make our wills

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known, which is the privilege of dying men; and to be heard before condemnation, is not denied to private persons. 3. That the Judges presumed to question the proceedings of this house; it is against nature and order, that inferior courts should undertake to regulate superior. The court of parliament is a court of the highest jurisdiction, and cannot be censured by any other law or sentence, but by its own. 4. The several Imprisonments of divers gentlemen, for speaking freely in parliament. 5. That inferior courts should be informed to punish acts done in this court; whereby divers members of the house were so kept in prison, till they had put in security for their good behaviour; and some of them died in prison, others not released until writs came for this parliament. Lastly, which I conceive to be the greatest, That the parliament was punished, without being suffered to make its own defence. I call the dissolution of the parliament a punishment, and justly; the breaking of a parliament is death to a good subject.—But it is to be observed, that in this and the other grievances, though the king be no party, for his highness's prerogative is 'to do no Wrong;' yet most of these distempers of state arise and do invade the subjects, by means of misinforming him: as the celestial bodies of themselves send forth nothing but wholesomeness to man; but by the ill distemper in inferior bodies, much hurt ariseth from them.—The next sort of Grievances I deliver, are those that concern matters of Religion. Wherein I will first observe, the great encouragement which is given to them of the popish religion, by an universal suspension of all laws that are against them; and some of them admitted into public places of trust and power.—I desire not to have any new laws made against them, God be thanked, we have enough; nor a strict execution of the old ones, but only so far forth, as tends to the safety of his maj.; and such a practice of them, that that religion, which can brook no cor-rival, may not be the destruction of ours, by being too concurrent with it. There is an intention of a nuncio from the pope, who is to be here, to give secret intelligence to Rome, how we incline here, and what will be thought fit to win us thither.—I observe as a great Grievance, there are divers innovations in Religion amongst ourselves, to make us more capable of a translation; to which purpose popish books have been published in print; disputations of popish points are and have been used in the universities and elsewhere with privilege; preached in the pulpit, and maintained for sound doctrine; whereby popish tenets are maintained.—The introducing of popish ceremonies, as altars, bowing towards the east, pictures, crosses, crucifixes, and the like; which, of themselves considered, are so many dry bones, but being put together, make the man. We are not now contented with the old ceremonies, I mean such as the constitution of the reformed Religion hath continued unto us: but we must introduce again many of those superstitious and infirm ceremonies, which accompanied the most decrepid age of popery, bowing to the altar, and the like.—I shall observe the daily discouraging of all godly men, who truly profess the protestant religion, as though men could be too religious. Some things are urged by ecclesiastical men, without any ground by any canon or article established; nay without any command from the king, either under his great seal, or by proclamation. The parliament, ever since queen Elizabeth's time, desired the bishops to deal moderately; but how they have answered those desires we all know, and these good men for the most part feel.—I may not forget, that many of the ministers are deprived, for refusing to read the book for sports and recreations upon the Sabbath, which was a device of their own heads; which book, I may affirm, hath many things faulty in it.—Then the encroaching upon the king's authority by ecclesiastical courts, as namely the high commission, which takes upon it to fine and imprison men; enforcing them to take the oath ex officio, with many of the like usurpations, which are punishments belonging only to temporal jurisdiction: and it hath been resolved, in the time of king James, that the statute of 1 Eliz. c. 1. gives them no such power; moreover, the power which they claim, they derive not from the king, nor from any law or statute; but they will immediately have it from heaven, Jure Divino. Divers particular ordinaries, chancellors, and archdeacons, take upon them to make and ordain constitutions within their particular limits. All these things are true, to the knowledge of most that hear me.—I now come to the general head of Grievances, which is the grievances belonging to our Goods, and are in civil matters: the heads thereof are too many. The taking of Tunnage and Poundage, and divers others Impositions, without any grant or law to do so, is a great grievance. There are divers antient customs due to the king, but these are certain what they are, and are due by prescription: these customs being too narrow for his service, and the affections of the people growing stronger and stronger to their prince, Tonnage and Poundage were granted for years to the king; and afterwards, by this house, granted for lives; but never were taken by the king's own act, without a parliament; for doing which, there is no precedent, unless in a year or two in the latter end of queen Eliz.—In the next place of these grievances, I rank Knighthood, the original whereof was, that persons fit for chivalry might be advanced; but this, after, was stretched for another end, for money; and extended not only to terre-tenants, but to lessees and merchants, who were first to appear, and then to plead for themselves at the council-board; but were delayed from day to day, to their great charge and inconvenience; and, notwithstanding the just defence they have made for themselves, there have been infinite distresses laid upon them until the fines were paid; which

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were imposed, not by courts, but by commissioners assigned for that purpose; and this being a continuing offence, they are by the same rule, as liable now to fines, as ever.—Monopolies, and inundations of them, whereby a burthen is laid not only upon foreign, but upon native commodities; as soap, salt, drink, &c. the particulars whereof are fit for the committee of grievances.—Ship-Money: and although there be a judgment given for it, yet I dare be bold to say it is against all former precedents and laws, and not one judgment that ever maintained it. This is a grievance that all are grieved at, having no limits either for time or proportion: if therefore any shall endeavour to defend this, he must know, that both his reputation and conscience lye at stake in the defence.—The enlarging the Bounds of the Forest. Though our ancestors were heretofore questioned for the same thing, yet upon the satisfaction of all the objections that were, or could be made, they then saved themselves; yet now the same things are turned upon us.—The Sale of public Nuisances, for so they are pretended to be. Many great nuisances have been complained of: but when there hath been money given, and compositions made, then they are no more nuisances; such as buildings and depopulations.—Military Charges and Impositions upon Counties, by letters only from the council table; whereby soldiers conduct-money and coats are to be provided at the country's charge; and horses also provided without ground of law; many things in this kind being done by deputy-lieutenants of their own accord.—Extrajudicial Judgments and Opinions of the Judges, without any cause before them; whereby they have anticipated the judgment which is legal and public; and circumvented one of the parties of their remedies, in that no writ of error lies, but only upon the judicial proceedings.—The next sort of Grievances is, that the great courts do countenance these oppressions; as I may instance in the court of Star-Chamber advancing and countenancing of monopolies, which should be instead of this great council of the kingdom; and the Star-Chamber now is become a court of revenue; informations there being put in against sheriffs, for not making returns of money upon the writs of Ship-Money: it was not usual for meum & tuum to be disputed there.—The privy-counsellors should be lights of the realm: sure in them is the greatest trust, and they, by Magna Charta, are to do justice, as was urged by one in this house the last parliament: but now, if these counsellors should so far descend below themselves, as to countenance, nay to plot, projects and monopolies, what shall we think of this? surely it is much beneath their dignity: this is a great grievance, but I must go higher. I know the king hath a transcendent power in many cases, whereby, he may, by proclamation, guard against sudden accidents: but that this power should be applied to countenance Monopolies (the projectors being not content with their private grants without a proclamation) is without precedent. But yet I must go higher than this: It hath been in the pulpit applied, and also published in books and disputations, asserting a power unlimited in the king, that he may do what he pleaseth. This Grievance was complained of in the last parliament, in the case of Dr. Manwaring, who, for maintaining that opinion in a sermon, 'That a subject had no property in his goods, but that all was at the king's pleasure,' made his submission upon his knees in this place; and was then brought so low, that I thought he would not have leaped so soon into a bishoprick (See p. 430.)—I have, by this time, wearied you as well as myself; but I am come to the last Grievance, which is the fountain of all these, and that is the Intermission of Parliaments; whereas by two statutes, not repealed nor expired, a parliament ought to be held once in a year. These Grievances are as prejudicial to his maj. as to the commonwealth. The breach of parliaments is much prejudicial; for by this means the great union and love, which should be kept and communicated betwixt the king and his subjects, is interrupted: they cannot make known their Petitions, nor the king his wants, to have Supplies. Where the intercourse of the spirits, betwixt the head and the members is hindred, the body prospers not. If parliaments had been more frequent, the king would have had more Supplies. By our Grievances in Religion, the king's party abroad is much weakened; and that great part of his aids abroad do forsake us, is for that they think we are forsaking our religion. Many of the king's subjects, for that they cannot be quiet in things indifferent, and know not where they shall have an end of them, have departed this land with their goods, estates, and posterities. The preferment of men ill-deserving, and neglecting others of great integrity and merit, hath much weakened, and discouraged us. There are but a few now that apply themselves either to do well or to deserve well; finding flattery and compliance to be the easier way to attain their ends and expectations. The not observing of laws, but countenancing of monopolies and such like, breed jealousies in the minds of many; and may prepare a way for distempers, though, thanks be to God, as yet there hath been none; our religion having preserved us. But if any thing but well should happen, one summer's distempers would breed great change, and more than all unlawful courses could recompence. We know how unfortunate Henry 3. and other princes have been, by the occasion of such breaking of their laws. I pray God that we never see such times. We are not content to multiply Impositions upon merchants Goods, which are exported and imported into the kingdom: but now there is a growing mischief in plotting for an imposition upon such goods as never see England, but are conveyed from France to Spain, or the like, by English merchants. A course before this time never heard of; and such illegal

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things are badly accounted for to the king; whereas legal things will soon be discovered, if not accounted for. Besides, in monopolies and such like, the third part comes not to his majesty's coffers, as to instance in that of Wines. The king hath only 30,000*l.* per ann. upon them, whereas the Wines, in the gains by the patent, come to 80,000*l.* at the first, from the time of their arrival; and, being drawn, come to 230,000*l.* per ann. and the same proportion holds in all other monopolies: hereby it appears, how much the subject is damnified, and how little the king gains.—I come now to the last thing, the Remedy of these Grievances; which is thus: I advise to present them to the lords, that they may join with us to go to the king, and pray that these Grievances, being clear in fact, may be voted. If any thing, in the vote, be stuck upon, that it may be debated; and drawn according to the course of the house, into a Remonstrance; with an humble Petition of both houses for redress. And I hope the wisdom of this house will prepare such a remedy, as will make the king a great king, and the people happy."

After these Speeches the house came to a Resolution, and it was ordered, 'That the Records and Proceedings in the Star-Chamber and King's Bench, that concerned several members of this house in the last parliament, should be sent for immediately, viz. sir John Elliot, Mr. Strode, Mr. Selden, Mr. Valentine, Mr. Hollis, sir P. Hayman, and others that were questioned, after the last parliament, for any passages done in that parliament.—Ordered also, 'That a select committee be appointed to meet for the stating of the matter of fact, touching the violation of the privilege of parliament, the last day of the last parliament; and to report their opinion of it to the house.' Ordered also, 'That the records, inrolments, judgments, and proceedings in the exchequer, and all other courts whatsoever, concerning Ship-Money, should be sent for:' and warrants, signed by the Speaker, directed to the officers of the several courts, for all these matters, were issued out accordingly.

Mr. Secretary Windebank, from the committee on the Fast, delivered in a paper, agreed on by them, for a conference with the lords about it; which was read, importing, 'That the knights, citizens and burgesses of the house of commons, taking into consideration the great and weighty affairs now in agitation, in both houses of parliament, concerning the welfare of the king and the whole kingdom; and believing the principal way and means to attain to a happy and prosperous conclusion of the same, is, to beg the divine assistance and direction of Almighty God in all their consultations, by one solemn humiliation by Fasting and Prayer to his heavenly Majesty; they have commanded us to acquaint your lordships, that you will be pleased to join with them, to move his maj. for his gracious allowance of so pious a work to both the houses of parliament; and also that he would be pleased to grant and appoint a day for a Fast throughout the whole kingdom.'—The lords agreed to this proposal; and Saturday, the 2d of May, was appointed for this solemnity; but matters growing critical between the king and parliament, about that time, the Fast was put off to another day; which never came in this parliament.

The Behaviour of the late Speaker censured.] April 20. Mr. Treasurer, (sir H. Vane,) reported from the committee for stating the fact of the violation of the Privilege of this house, the last day of the last parliament; That he was helped by two members notes, taken at that time, in this manner:—"That the Speaker being pressed, he answered, 'He was the servant of the house, but let not the reward of my service be my ruin.' The reason why he left the chair was, not to disobey the house, but obey his majesty. 'I will not say, I will not put the question, but I say, I dare not.' That the Speaker, as soon as he was set in his chair, delivered the king's pleasure, 'That the house should be adjourned for a sevennight: That he was commanded to leave the chair, and to put no question; but to wait upon his maj. presently.' And, being pressed again to put the question, he answered, 'He was commanded to put no question.' That the command itself being searched into, it appeared to be the king's by the Declaration published in the year 1628."—On this report a motion was made, 'That a select committee be appointed to prepare a Representation to his maj. of the violation of the liberties of this house, that happened the last day of the last parliament: humbly beseeching his maj. that the like violation may not, hereafter, be brought in practice to his prejudice or theirs.' After a long and various debate, it was resolved, 'That it is the opinion of this house, that the Speaker's refusing to put the question, after a verbal command from his maj. signified to this house by the Speaker, to adjourn, and no adjournment made by this house, is a breach of the privilege of this house.'

The Lord Keeper's Speech to hasten a Supply.] April 20. Sir H. Vane delivered a Message from the king to the house, 'That it is his pleasure they should attend him, at 2 in the afternoon, in the Banqueting-house, Whitehall.' Accordingly the Speaker, attended by the whole house, went up in the afternoon, to Whitehall; where, meeting with the lords, the king being present, the lord keeper addressed himself to both houses as follows:

"My lords and gentlemen; You may well remember, upon the beginning of this parliament, his maj. commanded me to deliver unto you the causes of calling of it; which was, for the assistance and Supply of his majesty in so great, weighty, and important affairs, as ever king of England had to require at his subjects hands. I am now to put you in mind what I then said unto you, and withal to let you know, that such and so great are his majesty's occasions at this time, that if the Supply be not speedy, it

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will be of no use at all: for the army is now marching, and doth stand his maj. at least in 100,000*l.* a month; and if there be not means used to go on with this as is fitting, his majesty's design will be lost, and the charge all cast away. It is not a great and ample Supply for the perfecting of the work, that his majesty doth now expect; but it is only such a Supply, as without which the charge will be lost, and the design frustrated; being built upon those weighty reasons, which tend to the infinite good of the kingdom, and preservation of you all.—This done, his majesty will give you scope and liberty to present your just Grievances unto him; and he will hear them with a gracious ear, and give them such an Answer, as you and all the kingdom shall have reason to joy therein.—His majesty taketh notice of one particular, and that is concerning Ship-Money; wherein his maj. hath commanded me to declare thus much unto you: first, his majesty never had it in his royal heart, to make an annual revenue of it, nor ever had a thought to make the least benefit or profit of it: but whatsoever he did or intended in it, was for the common good of you all; for the honour, glory and splendor of this nation; and that every one of us are made sharers and partakers in the benefits, fruits and successes of it, of which otherwise you would have felt the woes. He hath been so far from making the least benefit of it, that he hath expended great sums of money, out of his own coffers, to work with, to those necessary ends I have named unto you.—The Accompts of such Monies so received, have been brought to the council-table; the monies delivered to sir Wm. Russel, the treasurer of the navy; and, by them all, it may appear whether there hath been a fulness and clearness of truth in the disbursements thereof, for the good and safety of the kingdom.—It is true, his maj. had once intended, this year, not to have taken that course, but to have raised an army; which his maj. so just a king, for the preservation of the kingdom, hath now taken into consideration: and I must tell you, that his maj. prizeth nothing more than his honour; and he will not lose, for any earthly thing, his honour in the least: ye cannot make those expressions of love, duty and affection to him, which the graciousness of his nature will not exceed in.—Of all his kingdoms, this ought to be the nearest and dearest unto him; yet for his kingdom of Ireland, the last parliament before this, the very second day of the parliament, they gave him six Subsidies; they relyed upon his gracious words: the success was, that before the end of the parliament, they had all they did desire granted, and had it with an advantage. This last parliament there, it is well known unto you all, what a chearful Supply they have given unto his maj., for their hearts went with it; and let it not be apprehended, that subsidies there are of small value; there is not a subsidy that is granted, but it is worth 50 or 60,000*l.* at the least: consider that kingdom, how small proportion it holdeth with this of England; and you will find, that it is as considerable a gift, as hath been given in many years. It hath wrought this effect, That certainly his maj. will make it apparent to all the world, what a good construction, and how graciously, he doth esteem and interpret this act of theirs.—I have directed hitherto my speech to you that are of the house of commons; now I shall address myself to your lordships. It is true, the proper and natural Supply proceeds from the house of commons; yet, in aid at this time, his maj. hath called you hither; and hopeth that he shall not find the house of commons backward to his desires, nor your lordships unwilling to concur with them.—To you of the house of commons, I did forget one thing, of an objection that might perhaps be made, That Tonnage and Poundage is given towards the maintenance of a fleet at sea; let me tell you, that Tonnage and Poundage was never intended but for ordinary preservation of the sea; not that it should be to defend the dominion of the narorw seas, when the navies of all the princes of christendom are so increased as they are. It is fit for his maj. (as things now stand) to have such a strength at sea, as may be a terror to others abroad.—His maj. was once resolved that no shipping writs should have issued out this year; but he was enforced, for your good, for the good of the kingdom, and for his own honour, upon necessary and weighty reasons, to send forth the writs; and those reasons were these: It was of necessity for his maj. to prepare an army, to reduce his disaffected subjects of Scotland to their due obedience. This very year, all the neighbouring princes are preparing with great fleets of ships; so as it is time for his maj. to put himself into a strength, that he may be able to preserve the dominion of the narrow seas; without which this kingdom will be lost, and he not able to maintain his right of being the moderator of the sea, whereby there may be freedom and commerce of trade, which adds exceedingly to the flourishing of this kingdom. Another reason for shipping-writs this year is, That those of Algiers are grown to that insolency, that they are provided of a fleet of 60 sail of ships, and have taken divers English ships, particularly one, called the Rebecca of London (well known to the merchants upon the Exchange) taken upon the coasts of Spain, worth at the least 260,000*l.* and therefore, the writs having gone out upon those weighty reasons, before it was possible the parliament could give any Supply to provide for those things, his maj. cannot this year forbear it; but he doth expect your concurrence in the levying of it for the future. I shall speak that unto you by his majesty's command, which may comfort any English heart; his maj. hath no thoughts of enriching himself by the monies coming in upon these writs; he doth desire but to live as it behoves a king of England, able to defend you and this nation in honour and in lustre, which is famous abroad, and glorious at home; and to live but

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like such a king, as every true English heart desireth their king should be.—Be masters of your own way; settle it so secure, that it may never come to the least benefit and advantage to himself; but for the common good, and those necessary ends wherein you shall all share in; your plenty, peace, honour, and whatsoever any Englishman can glory in.—His maj. commands me to tell you, you shall propound nothing wherein you may receive all security for the property of your goods, nor nothing for securing your own liberties, wherein he will not most readily listen unto you; and be as willing to grant, as you to ask. His maj. doth now offer unto you the Reasons, occasions, and the way to make this the most blessed and most happy parliament that ever was; and that it may produce such effects, that the king may delight in his people, and the people in their king. And he layeth before you not only the counsel to do so, but he will tell you the way; and that is, by putting an obligation of trust and confidence upon him, which shall more secure you, than all that you can invent; or fears, or jealousies, can imagine to be provided for. It is a course that good manners, duty and reason, should require of you to take into consideration."

Debate on the Lord Keeper's Speech.] April 22. The consideration of the lord keeper's last Speech was ordered to be referred to the next day: at which time, as Rushworth informs us, Mr. Edmund Waller rose, and spoke to this effect: 'I will use no preface, as they do who prepare men for something in which they have a particular interest. I will only propose what I conceive fit for the house to consider; and shall be no more concerned in the event than they that shall hear me. Two things I observe in his majesty's demands: 1. The Supply. 2. Your speedy dispatch thereof. Touching the 1st, his majesty's occasions for money are but too evident; for, to say nothing how we are neglected abroad, and distracted at home, the calling of this parliament, and our sitting here, (an effect, which no light cause in these times hath produced) is enough to make any reasonable man believe, that the exchequer abounds not so much with money, as the state doth in occasions to use it: and I hope we shall appear willing to disprove those, who have thought to dissuade his maj. from this way of parliaments, as uncertain; and to let him see that it is as ready, and more safe for the advancement of his affairs, than any new or pretended old way whatsoever.—For the speedy Dispatch required, which was the second thing, not only his majesty, but res ipsa loquitur: the occasion seems to importune no less; necessity is come upon us like an armed man.—The use of parliaments heretofore, as appears by the writs that call us hither, was to advise with his maj. of things concerning the church and common-wealth. And it hath ever been the custom of parliaments, by good and wholesome laws, to refresh the common-wealth in general; yea, and to dessend into the remedies of particular Grievances, before any mention made of a Supply. Look back upon the best parliaments, and still you shall find, that the last acts are for the free gifts of Subsidies on the people's part, and general pardons on the king's part: even the wisest kings have first acquainted their parliaments with their designs and the reasons thereof; and then demanded the assistance both of their counsel and purses. But physicians, though they be called of the latest, must not stomach it, or talk what might have been; but apply themselves roundly to the cure: let us not stand too nicely upon circumstances, nor too rigidly postpone the matter of Supply to the healing of our lighter wounds: let us do what possibly may be done, with reason and honesty on our part, to comply with his majesty's desires, and to prevent the imminent evils that threaten us. Consider that they who think themselves already undone, can never apprehend themselves in danger; and they that have nothing left can never give freely; nor shall we ever discharge the trust of those that sent us hither, or make them believe that they contribute to their own defence and safety, unless his maj. be pleased first to restore them to the Property of their Goods and lawful Liberties, whereof they esteem themselves now out of possession. One need not tell you that Property of Goods is the mother of courage, and the nurse of industry; it makes us valiant in war, and industrious in peace. The experience I have of former parliaments, and my present observation of the care the country has had to chuse persons of worth and courage, make me think this house like the Spartans; whose forward valour required some softer musick to allay and quiet their spirits, too much moved with the sound of martial instruments. 'Tis not the fear of imprisonment, or, if need be, of death itself, can keep a true-hearted Englishman from the care to leave this part of his inheritance, as entire to his posterity, as he received it from his ancestors.—This therefore let us first do, and that speedily, that we may come to the matter of Supply. Let us give new force to the old laws, which have been heretofore for the maintaining of our rights and privileges, and endeavour to restore this nation to its fundamental and vital liberties, the Property of our Goods, and the Freedom of our Persons; no way doubting but that we shall find his maj. as gracious and ready, as any of his royal progenitors have been, to grant our just desires therein; for not only the people do think, but the wisest do know, that what we have suffered in this long vacancy of parliaments, we have suffered from his ministers; that the person of no king was ever better beloved of his people; and yet that no people were ever less satisfied with the present ways of levying money. These are two truths which may serve, the one to demonstrate the other; for such is the opposition to the present courses, that neither the admiration they have of his majesty's natural inclination to justice and clemency, nor the pre-

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tended consent of the judges, could make them willingly submit themselves to this late tax of Ship-Money: and such is their natural love and just esteem of his majesty's goodness, that no late pressure could provoke them, nor any example invite them to disloyalty or disobedience: what is it then that hath bred this misunderstanding betwixt the king and his people? How is it that, having so good a king, we have so much to complain of? Why, Mr. Speaker, we are told of the son of Solomon, that he was a prince of a tender heart; and yet, by the advice of violent counsellors, how rough an answer he gave to his people, 'That his fingers should be as heavy as his father's loyns:' this was not his own, but the voice of some persons about him, that wanted the gravity and moderation requisite for the counsellors of a young king.—I love not to press allegories too far, but the resemblance of Job's story with ours, holds so well that I cannot but observe it unto you: it pleased God to give his enemy leave to afflict him more than once or twice, and to take all that he had from him; and yet he was not provoked so much as to rebel with his tongue, although he had no very good example of one that lay very near him, and felt not one half that he suffered. I hope his maj. will imitate God in the benigner part too; he was severe to Job, only while he discoursed with another concerning him; but when he vouchsafed to speak himself to him, he began to rebuke those who had mistaken and misjudged his case; and to restore the patient man to his former prosperity: so, now his maj. hath admitted us to his presence, and spoken face to face with us, I doubt not but we shall see fairer days; be restored again to the possession of our property and liberty; and that his maj. will frown upon those who have given the ill counsel.—I wonder at those that seem to doubt the success of this parliament; or that the misunderstanding between the king and his people should last any longer, when now they are so happily met. His majesty's wants are not so great, but that we may find means to supply him; nor our desires so unreasonable or incompatible with government, but that his maj. might well satisfy them: for our late experience, I hope, will teach us what rocks to shun, and how necessary the use of moderation is; and for his maj. he has had experience enough how that prospers which is gotten without the concurrent good-will of his people: never more money taken from the subject; never more want in the exchequer: if we look upon what has been paid, it is more than usually the people of England were wont to pay in such a time: if we look upon what has been effected therewith, it shews as if never king had been worse supplied; so that we seem to have endeavoured the filling of a sieve with water. Whosoever gave advice for these courses, has made good the saying of the wise man, 'qui conturbat domum suam, possidebit ventum:' by new ways they think to accomplish wonders, but in truth they grasp the wind; and are at the same time cruel to us and to the king too: for let the commonwealth flourish, and then he that hath the sovereignty can never want, nor do amiss; so as he governs not according to the interest of others, but go the shortest and easiest way to his own and the common good.—The kings of this nation have always governed by parliament; and if we look upon the success of things since parliaments were laid by, it resembles that of the Grecians,

"Ex illo fluere, ac retro sublapsa referri,
"Res Danaum——

especially on the subjects parts; for though the king hath gotten little, they have lost all: but his majesty shall now hear the truth from us, and we shall make appear the errors of divines, who would persuade us that a monarch must be absolute, and that he may do all things ad libitum; receding not only from their text, though that be a wandering too, but from the way their own profession might teach them 'stare super vias antiquas,' and remove not the antient bounds and landmarks, which our fathers have set: if to be absolute were to be restrained by no laws, then can no king in Christendom be so; for they all stand obliged to the laws Christian, and we ask no more; for to this pillar is our government fixed; our kings, at their coronation, taking a sacred oath to secure us.—I am sorry these men take no more care to gain our belief of those things, which they tell us for our souls health; while we know them so manifestly in the wrong in that which concerns the liberties and privileges of the subjects of England; but they gain preferment, and then it is no matter though they neither believe themselves, nor are believed by others: yet, since they are so ready to let loose the conscience of their king, we are the more carefully to provide for our protection against this pulpit law; by declaring and reinforcing the municipal laws of this kingdom. It is worthy the observing how new this opinion, or rather this way of rising is, even amongst themselves; for Mr. Hooker, who was no refractory man (as they term it) thinks, 'That the first government was arbitrary, until it was found, that to live by one man's will, became all men's miseries.' These are his words, concluding that 'This was the original of inventing laws.' And if we look further back, our histories will tell us, that the prelates of this kingdom have often been the mediators between the king and his subjects, to present and pray redress of their grievances; and had reciprocally then as much love and reverence from the people; but these preachers, more active than their predecessors, and wiser than the laws, have found out a better form of government.—The king must be a more absolute monarch than any of his predecessors; and, to them he must owe it, though in the mean time they hazard the hearts of his people, and involve him in a thousand difficulties: for suppose this form of government were inconvenient (and yet this is but a supposition, for during these 500 years, it hath not

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only maintained us in safety, but made us victorious over other nations:) I say, suppose they have an idea of one more convenient: we all know how dangerous innovations are, though to the better; and what hazard those princes must run that enterprise the change of a long established government! Now, of all our kings that have gone before, and of all that are to succeed in this happy race, why should so pious and so good a king be exposed to this trouble and hazard; besides that king, so diverted, can never do any great matter abroad.—But whilst these men have thus bent their wits against the laws of their country, whether they have not neglected their own province; and what tares are grown up in the field which they should have tilled, I leave to a second consideration; not but that religion ought to be the first thing in our purposes and desires, but that which is first in dignity is not always to precede in order of time: for well-being supposes a being, and the first impediment, which men naturally endeavour to remove, is the want of those things without which they cannot subsist.—God first assigned to Adam maintenance of life, and gave him a title to the rest of the creatures, before he appointed him a law to observe. And let me tell you, that if our adversaries have any such design, as there is nothing more easy than to impose a religion on a people deprived of their liberties; so there is nothing more hard, than to do the same upon free-men.—And therefore, Mr. Speaker, I conclude with this motion, 'That there may be an order presently made, that the first thing this house will consider of, shall be the restoring of this nation in general to their fundamental and vital Liberties, the Property of our Goods, and Freedom of our Persons; and that then we will forthwith consider of the Supply desired.' Thus shall we discharge the trust reposed in us, by those that sent us hither: his maj. will see that we make more than ordinary haste to satisfy his demands; and we shall let all those know, that seek to hasten the matter of Supply, that they will so far delay it, as they give interruption to the former.'

The Commons resolve to prefer Grievances to the Supply.] After some further speeches to the same purport, it was ordered, upon the Question, "To consult with the lords how to prevent Innovation in matters of Religion; also concerning the Property of Goods, and the Liberties and Privileges of Parliament; the better to give a present Supply to his majesty." And a conference was desired accordingly. But, the next day the lords sent an Answer to the request of the commons, by the two chief justices, importing, "That their lordships did give this house many thanks for their respects shewed unto them in the Message: that the reason the messengers could not be admitted, was because of great and weighty business then before them, the king being there present; but, so soon as ever the leisure and state of affairs, in that house, would permit, they would send notice of it by messengers of their own."—We must here look into the lords Journals, to find the reason and meaning of this visit; and there we are told, That the king came to the house of lords, very unexpectedly, on this day; and sitting down in his chair of state, without his robes, he spake to them to this effect:

"My Lords; The necessity of calling this parliament, makes me come this day hither, contrary to expectation: you remember what the lord keeper said concerning the occasion of this meeting, the first and second day, but chiefly on the day of conference of both houses at Whitehall. The house of commons did seem to take into consideration my weighty affairs, but they have in a manner, concluded the contrary; for, instead of performing my occasions, in the first place, they have held consultation of Innovations in Religion, Property of Goods, and Privileges of Parliament; and so have put the cart before the horse. If it was a time to dispute, I should not much stand upon it; but my necessities are so urgent, that there can be no delay. If the house of commons will trust me, I will make good what I promised by my lord-keeper. As for Religion, my heart and conscience, with the religion now established in the church of England, shall go together. For the Ship-Money, God is my witness, I never converted any of it to my own profit, but to the end of preserving my dominion on the seas, nor ever intended it. For Property of Goods, it is a thing I never designed to molest: it is my desire to be king of a free and a rich people; and if no Property in Goods, no rich people. I told the commons, that if they would speedily supply my occasions, for the present, I would give them further time, in winter, to debate and present all their just Grievances. If they will not trust me in this first, all my business this summer will be lost; and, before the year goeth about, I must be trusted at last; for, in the winter, I must call them to give me a greater Supply, if the house of commons will not join to prefer my occasions before their Grievances. I conjure your lordships to consider your own honour and mine, and the preposterous course of the commons; and desire that your lordships will not join with them, but leave them to themselves. I desire you to be careful in this point, else, if the Supply come not in time, I will not say what mischief may and must follow."

The king having made this short speech, and left the house, the lord keeper acquainted the peers with one particular his maj. had forgotten; which was, That the house would determine, before they parted, on what the king had proposed to them. Hereupon it was moved, That the house might be put into a committee, for every lord to speak his mind, and to be adjourned during pleasure. After long and great debates, as the Journal expresses it, on the king's Speech, the house was again resumed, and these two questions were agreed upon tobe proposed: 1. "Whether the Supply should have precedency, and be resolved upon

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before any other matter whatsoever? 2. Whether there should be a conference desired with the commons, in order to dispose them thereto?" These were both carried in the affirmative. And a message was sent to the lower house for the last named purpose; as is before related in their Journals, to which we now return.

Heads of Grievances prepared by the Commons.] The same day that the king came to the house of lords, the committee of the commons, appointed to prepare Heads or Inductions, for a Conference, delivered a series of them to the house, as follow:

"INDUCEMENTS.

"I. Concerning Innovation in Matters of Religion.

1. "The commission that was lately granted to the convocation-house. The rather, because of the innovations brought in and practised, when there was no such commission. 2. The complaints arising from petitions brought in from several counties, by the members of the house, against innovations in religion. 3. The molesting and depriving of godly and conformable ministers, for not yielding to matters enjoined without warrant of law. 4. The publishing of Popish tenets, in licenced books, sermons, and disputations. 5. Restraining conformable ministers from preaching in their own charges."

"II. Concerning Property of Goods.

1. "Monopolies, and restraint of trade. 2. Ship-money. 3. Enlarging the bounds of forests beyond what they have been for some hundred years last past. 4. Military charges, viz. Coat and conduct money, wages, arms taken from the owners, forcing the country to buy or provide, at their own charge, horses and carts, by way of tax. 5. Denial of justice in the courts of Westminster, to the subject's prejudice, in point of the property of his goods. 6. Frequent imprisonments and vexations for nonpayment of unwarrantable taxes, and not submitting to unlawful monopolies."

"III. Liberties and Privileges of Parliament.

1. "Punishing men out of parliament, for things done in parliament. 2. That which is already voted in the house concerning privilege of parliament. 3. Sudden dissolution of parliaments, without redress of grievances.—But this was laid by for the present, and not put to the question. Lastly, 'As that which relates to all, and is a great cause of all our former grievances, the not holding of parliaments every year, according to the laws and statutes of this realm."—This also was put off for the present.

Resolved, upon different questions, on each particular Article of the first Charge, relating to Religious Matters, 'That they should all be made use of in the intended conference with the lords.'—The same on the second and third, except the two last articles of it, which were deferred to another opportunity.

The Lords, at a Conference, recommend Precedency of Supply.] April 25. The commons received a Message from the lords, by two of the judges, "That his majesty having been pleased to be in their house yesterday, and some occasions having risen from thence, on which some debate had happened, their lordships desired a speedy conference with a committee of both houses about the same." A committee of the commons were instantly appointed, who were to attend the lords, and make a report of the conference on Monday morning.*

April 27. The said report was made to the commons by Mr. Herbert, the queen's solicitor, to this effect; repeating the Heads of the king's speech, at the conference, and what the lord keeper subjoined to it. The former has already been given at large, and the latter being much better digested in the Lords Journals, we shall add from that authority:

"The lord keeper acquainted the commons with the effect of what his maj. said to the lords the day before, and at the meeting at Whitehall. He also put them in mind of what was said the first and second days of this parliament; and that the king had said he would make it all good. He told them, that his majesty's affairs would admit of no delay; but required a present and speedy supply. He let them know the great distemper that Scotland was now in; that the Scots army had pitched their tents in the fields near Dunce, and had taken four English troops; and threaten the invasion of Northumberland: that the Scots had put themselves under the protection of the French king; that his maj.'s honour is concerned in this business; which he is determined to uphold as his life.—That there is a necessity to trust his majesty at present, yet he must trust them hereafter; that he will not break his word with them; and that delay was as bad as denial; and time lost cannot be recovered. They had the word of a king, and not only so, but of a gentleman.—For the three propositions, viz. Religion, Property of Goods, and Privileges of Parliament, he told them, his maj. would graciously hearken unto them, and relieve them; and give them what, in reason, can be desired.—For Religion: he said, his majesty's heart and conscience would go together; and that he will die in the religion of the Church of England. That Ship-Money was never profit to the king; for he spent that, and more out of his own revenue, to preserve the dominion of the seas; and if they would put the king into any other way to secure the seas, he would hear them.—Lastly, He told the commons, That the lords had voted and declared, as their opinion, that his majesty's

* This day Mr. John Rushworth, the Author of the Historical Collections, was admitted as a clerk-assistant to the house of commons.—Journ. Dom. Com.

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Supply should have the precedency, and be resolved on before any other matter whatsoever: therefore he desired the house of commons to go on with that first, as that which, in the opinion of the house of lords, is held most necessary. That their lordships in this did not move subsidies, but rather declined it, and only gave their advice therein. That this being done, their lordships would be ready to join in any thing for carrying on the other great business."

This Report of the lord keeper's speech being made in the house of commons, a long debate ensued upon it; and, at last, they came to the following resolutions: 1. Resolved, upon the question, 'That by the late matter propounded, in the late conference with the lords, the privileges of this house are violated.' 2. 'That the words now read by the Solicitor, were a faithful and true report of part of that conference had with the lords; and that the said words shall be entered in the Journal.' 3. 'That their lordships voting, propounding, and declaring concerning matter of Supply, in such sort as is contained in this Report, before it was moved from this house, is a Breach of Privilege of this house.'—And, after ordering the last section of the Report to be read once more, it was further resolved, 'That a select committee should be appointed to consider of this day's debate and resolutions; and to prepare, in writing, an Address unto the lords, for righting the privileges of this house."

The next day, the commons agreed and approved on an address to the lords, and that Mr. Pym should go up to that house with it; which he delivered to their lordships in manner following:

"That at the last conference, by a committee of both houses, it was admitted by your lordships, that matters of Subsidy naturally belong to the commons; and that your lordships would not meddle therein, nor give advice in it, but had declined it. That, notwithstanding this declaration, your lordships have meddled with, and advised concerning both the matter of supply, and the time when the same should be made: and this before such time as the same was moved to them by the commons, as appears by your lordships declaration, viz. 'That you had voted you held most necessary and fit, that the matter of Supply should have precedency before any other matter or consideration whatsoever: and therefore desired that conference with the commons, to let them know your lordships reasons for it; which being taken into consideration, and done by the commons, your lordships would freely join with them in all that concerns religion, property of estate, and privilege of parliament.' That the course this committee did offer for repair of this breach of privilege, was, That your lordships would, in your wisdoms, find out, yourselves, some sort of reparation, and of prevention of the like infringement for the future. And whereas the committee was induced to conceive, that your lordships had been informed the commons had entered into consideration and debate of the aforesaid matters of religion, &c. and that they were to have precedency before Supply, which might occasion your lordships voting as they had done; they humbly desire to present the same to your lordships, in words to this effect:—That, in case your lordships have taken notice of any orders or proceedings of the commons, concerning Religion, Property, and Privileges, and that they were to proceed to the Supply; which they have some cause to conceive by these words, 'That this being done, your lordships would freely join with the commons in those three things:' for the avoiding all misunderstandings between your lordships and the commons, for time to come, they desire your lordships, hereafter, to take no notice of any thing which shall be debated by the commons, until they shall, themselves, declare the same unto your lordships; which the commons shall alway observe towards your proceedings, conceiving the contrary not to consist with the privileges of either house."

The committee being returned, Mr Pym informed the house of what he had done and delivered; and that their lordships Answer, at present, was, 'They would send one in convenient time.' It was ordered, That the thanks of the house should be given to Mr. Pym, for the good service he did them, in his exact and faithful delivery of their Address.

We are told, in the Lords Journals, That when the lord keeper had made a report to the house of what was delivered by the commons, at the conference the day before, their lordships entered into a long and serious debate upon it, and afterwards came to the following Resolution, "That by their lordships first voting, they were of opinion the matter of his maj.'s Supply should have precedency, and be resolved on before any other matter whatsoever, there was no breach of the privilege of the house of commons.

April 30. The lords passed another vote, to the same purpose, "That it was no breach of privilege of the house of commons, for their lordships to hear what his maj. declared to them, and thereupon to report the same to the house of commons." And, in order to be more able to support these two Resolutions, the lords ordered, That notice should be given to the keeper of the records in the Tower to attend the house the next morning, with the original record of the 9th of Hen. 4. concerning the indemnity of the peers and commons. Likewise a committee of lords was appointed to meet that afternoon in the council-chamber at Whitehall, to prepare and draw up heads for another conference with the commons about this great affair.——But to return to that body.

The Commons proceed with Grievances.] April 29. Sir Walter Erle reported from the committee, appointed to prepare and give directions for the managing of a conference, to

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be desired with the lords, about the matters contained under the heads or inducements, before-mentioned; that they had thought fit to assign three men, for the charge of the three heads: Mr. Pym for the first, and to make an introduction to the whole business: Mr. St. John for the second; who desired, that, in regard of the large extent of this head, another might be joined with him to undertake the charge: and Mr. Holborn for the third. Upon delivery of this report the following particulars were by question resolved upon. "1. That in this conference with the lords, there shall be a protestation and a saving made, to preserve and keep entire the right of the commons, not to be bound by any canons, that are or shall be made, upon any commission granted, or to be granted, to the convocation, without the consent of parliament. 2. That, in the said conference, one head shall be, touching the removing of the communion table, in parish churches, and chapels in the universities, and placing them altar-wise, at the east end of the said churches and chapels, close to the wall. 3. That another head of this conference shall be the setting up of crosses, images, and crucifixes, in cathedral and parochial churches and chapels, both in the universities, and divers other places of this kingdom. 4. Another head shall be, the refusing to administer the sacrament to such as will not come up to the rail before the communion table, set altar-wise; and excommunicating some for not doing of it. 5. The making and enjoining of articles at visitations, without any other authority than that of the bishops of the diocess. 6. That, in this conference, another head shall be, touching the molesting, suspending, or depriving of many godly and conformable ministers, for not yielding to matters enjoined without warrant of law; instancing such as have been deprived for not reading the book for recreations on Sundays. 7. That, in this conference, one head shall be, touching the preaching, printing, and determining of and for Popish tenets, contrary to the doctrine of the church of England. 8. Another head to be, touching the enjoining and preaching of bowing to the altar, and the enquiry for the doing, or not doing of it. 9. That, in this conference, another shall be, concerning the restraining of conformable ministers from preaching in their own charges. Lastly, It was resolved, 'That in this conference with the lords, there shall be a reservation to the parties, appointed to carry it on, of further liberty to add more particulars as there shall be occasion."

The Lords, at a Conference, give their Reasons for preferring the Supply.] May 1. A Message was brought from the lords to desire a present conference, concerning somewhat that fell out in the last. The house was divided on this message, and the question being put, Whether to agree to this conference, or not? it passed in the negative, 257 against 148. Rushworth tells us, 'That this division of the house discovered the temper of it; for the majority, that voted against the conference, were for Redress of Grievances before the Supply:' but he does not acquaint us, That soon after the conference was agreed to, and the treasurer of the household sent up to inform the lords of it: though he has given us the lord keeper's Speech made at this meeting. The speech before mentioned for which this conference was desired, had been reported and agreed upon by the lords; and was delivered to the committee of the commons, by the lord keeper, to the effect following:

"My lords have commanded me to let you know, that the desire and care on your part at the last conference, represented unto them for preserving a good union and correspondence between their lordships and you, is by them entertained with all respect, and requited with all good affection; as that which is the best way to bring our consultations and resolutions to an happy issue, to give his maj. a dutiful account of our zeal and forwardness in those great and weighty affairs, for which we were assembled; and to further those united proceedings that may tend to the happiness of this kingdom, and the contentment of both houses. Their lordships well know the great privileges belonging to both houses of parliament, of which they and you alike participate: and they are not ignorant of those that are distinctly proper to each house: what belongs to you of the house of commons, they never had thought to impeach or diminish in the least kind; and what they may justly challenge to themselves, they presume you will not attempt upon; since you cannot doubt but they will be as tender of their honour in the preservation and upholding of their own, as they are and shall be careful not to invade or violate any of yours.—This their lordships commanded me to tell you, will best and most clearly appear, by the course that hath been held in their own house, and by their proceedings with you.—Their lordships, as in duty and affection to his majesty's crown and government they are bound, took into serious consideration the great and weighty motive of his maj.'s calling us together at this time; the great evils and calamities that hang over our heads, and the apparent danger this kingdom is like to run into, if, by speedy and fitting supply, his maj. be not enabled to prevent it?—These, with other reasons inforcing how unsupportable delay and protraction was, and how impossible it is for both houses to recover the loss of time, in a matter of so urging and pressing consequence, were, by his maj.'s command, delivered to their lordships and you, both in the lords house and in the Banqueting-house at Whitehall; his maj. being present.—His maj. I say, at both those times, expressed his gracious and princely desire to do all that from a just and a gracious king might be expected; whereby this parliament might have an happy and blessed conclusion, to bring joy and consolation to his majesty and all his subjects. He told you, that all your just grievances should be graciously heard and relieved; that

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he would therein let you be at no loss of time; but for the present, before you parted, you should have, without abridging, as much time as the season and great affairs in hand would possibly permit; and, what you could not now prefer, you should have time towards winter to go through with.—Their lordships were witnesses, that his maj. gave his royal word herein; and, for their parts, lodge it in their hearts with as much trust and confidence of his majesty's royal performance, as ever subjects did.—Not long after, his majesty was pleased to honour the lords house with his presence again; to renew their remembrance of all that before had been delivered to both houses, both for the necessity of the Supply desired, with an impossibility of admitting delay; and the clearness of his majesty's intention and resolutions to give all just satisfaction to what with reason could be desired of him.—His maj. then took notice to their lordships of somewhat that had been voted in your house concerning Religion, Property of Goods, and Liberty of Parliament; whereby his maj. conceived the matter of his Supplies set aside, which he had so often, and with such weight of reason, desired might have precedence; after very gracious assurances to their lordships of his maj.'s constant affection and zeal for the true Religion, for preventing all innovation therein, of his so often iterated promise to give a gracious ear and just relief to all your just Grievances; expressing his royal intentions in that of Ship-Money, which found so much stood upon.—He was further pleased to desire their lordships, (as persons in their ranks and degrees nearest to him in honour, as much and more concerned than others; and, in the safety and prosperity of his kingdom, at least equally interested with the rest of his subjects, in a case of this great and important weight,) that they would, by their counsel and persuasion, incline you of the house of commons to give his maj. a speedy answer and resolution, in the matter of Supply.—Their lordships took this his maj.'s desire into serious and dutiful consideration; and, after a great and solemn debate, they resolved, that their opinion was, That the matter of his maj.'s Supply should have precedency, and be resolved of before any other matter whatsoever; and did think fit, there should be a conference desired with you of the house of commons to dispose you thereunto. And this was all they then voted or concluded, with which other conference their lordships acquainted you: this as it was just and honourable for them to do, so it neither extended the bounds and limits of their own privilege, nor narrowed or straitned any of yours. And yet at the last conference (which their lordships are apt and willing to believe, proceeded rather from some mistaking than any intention to lessen their or enlarge your own privileges) it was urged in your name, 'That the voting of this was a breach of your privilege, and that therein their lordships had been transported beyond those bounds, which they had set to themselves; because, in their former conference, their lordships had admitted, that matter of Supply ought to be given in the house of commons, as naturally belonging to that house, and wherein their lordships would not meddle, no not so much as to give advice: and yet by voting what they did, had not only meddled in matter of Supply, but as far as in their lordships lay, had concluded both of matter and order of proceedings, for which you demanded reparation from their lordships. Herein, I'm commanded by their lordships to let you know, that they have neither varied nor been transported from their own bounds; nor voted any thing contrary to your rights and privileges, or to the admitting of them at that conference, which is pretended. For their lordships did and do admit, That the bill of Subsidies ought to have its inception and beginning in your house; and, that when it comes up to their lordships, and is by them agreed unto, it must be returned back to you; and be, by your Speaker, presented.—And therefore, as they do disclaim any thought or intention of such beginning in their house; so they did, at their debate and conference with you, disclaim to meddle with the matter of Subsidies or Supplies; that is by naming the time or number, or any such circumstances incident to the bill, which ought to begin with you; or therein to give you any the least advice, but only to confer and talk with you about Supplies in general. For, to give you their advice therein, they do not, nor ever did, hold derogatory to yours, or exceeding the privileges of their own house; since as you frequently impart your Grievancies to them, so it is all the reason in the world they should communicate their fears and foresights of dangers to you: their lordships being a body, that moveth in an orb nearer unto the royal throne than you do; and thereby the likelier to communicate in the counsels and secrets of state; and, for their persons and fortunes, at least as considerable in point of danger. Their lordships are not unacquainted with that establishment in parliament, which was by you, at the conference, styled The Indempnity of the Commons; but it is indeed the Indempnity of the Lords and Commons; and so styled in the record itself. By that record, made at Glocester, 9 Hen. IV. it appears there was a conference between the lords and commons, about the state of the realm and defence of it; after which the king demanded of the lords, what aid was fit to be granted? They said a tenth and an half in cities and boroughs, and one fifth and an half of others, and a Subsidy of Tonnage and Poundage for two years. Upon which the king sent to the commons, to send up to him and the lords, twelve of their company; when they came, it was by the kings command declared, what had been by the king demanded of the lords, and what the lords answer thereto was; which the king willed to report to their com-

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panions, that they might with better speed conform themselves to the intention of the lords. This indeed the commons were troubled at, as being a great derogation to their liberties; whereupon, to prevent, for the future, any thing that might turn to the prejudice of their liberty, or against the liberty of the lords, it was established, 'That it should always be lawful for the lords to commune among themselves, in the king's absence, of the state of the realm, and the remedies needful; and so for the commons among themselves. Provided always, that neither the lords, or commons, report to the king any things granted by the commons and assented to by the lords; nor the communication of it, before the lords and commons be agreed, and then be represented by the Speaker of the house of commons.'—This is the substance of that establishment, which only hath relation to the manner of presenting subsidies and aids to the king, and giving him knowledge of them. And, as it hath not one word that barrs the lords and commons from conferring about them; so it plainly declares, that both lords and commons, in their several houses, may equally treat amongst themselves of the dangers the kingdom is in, and of the way to remedy them. This my lords have well weighed, and are satisfied, verifies their proceedings to have been according to ancient usage and custom, as they are grounded upon just and weighty reasons.—Many other reasons their lordships have, to justify their proceedings in this particular; but they conceive this record, alone, mentioned by yourselves, will give you herein abundant satisfaction; and plainly shew that the house of commons had no cause to demand reparation herein from their lordships. A second thing objected, wherein their lordships have been said to have broke another great privilege of the house of commons established by that ordinance, which I have mentioned before, is, that their lordships have taken notice of some proceedings in the house of commons concerning three particulars, viz. Religion, Property of Goods, and Privilege of Parliament. To which their lordships have commanded me to give you this just and honourable answer. His maj. told their lordships, you had resolved something concerning these three heads; and, by that way of proceeding, preferred Grievances before matter of Supply. How his maj. knew that you had so resolved, belongs not to their lordships to enquire into; their lordships not meddling with any thing that others say to the king. But as to what his maj. said to their lordships, and what their lordships heard his maj. declare to them: certainly for them, thereupon, to report the same to the house of commons, their lordships are so far from holding it any diminution, or violation of your privileges; that, on the contrary, in duty to his maj. they could do no other: and the communicating it to you, in that manner, they think rather merits your opinion and belief of their affections to you, and desire of correspondence with you, than any other misconstruction whatsoever.—As to that which you called the Indempnity of the Commons, it hath no word in it that can be construed to make any breach of your privilege. Therefore, their lordships, having thus cleared and justified their own proceedings, and freed themselves from any imputation of invading your liberties, cannot but return to their first grounds and resolution; which were, in all fair and affectionate manner, to stir up in you the just consideration of those great and imminent dangers that threaten this kingdom at this time, and how dangerous and irrecoverable delay is: and withal to dispose you to take, into your first and best thoughts, the matter of his maj.'s Supply, and give him a speedy answer therein. This, their lordships are confident, will be the means to preserve and continue a good union and understanding between their lordships and you: to make this a happy parliament; and to avert the publick calamities, that menace the ruin and overthrow of this famous and renowned monarchy."

A Message from the King to the Commons, to hasten a Supply.] May 2. Whilst the house was preparing to hear the report made of yesterday's conference with the lords, the treasurer of the houshold, sir Henry Vane, delivered a Message from the king to them, which was read in hæc verba;

"That his majesty hath by divers and sundry ways, acquainted this house with the urgent necessity of Supply, and with the great danger, inevitably, to fall upon the whole state, upon his own honour, and the honour of this nation, if more time shall be lost therein. That, nevertheless, his majesty hath, hitherto, received no Answer at all; though, heretofore, his majesty had told the house, That a delay in this case is as destructive as a denial; and doth again desire them to give him a present Answer concerning his Supply; his majesty being still resolved, on his part, to make good whatsoever he hath promised by himself or the lord keeper."

On the receiving this Message, the house presently resolved itself into a committee, William Lenthall, esq. in the chair. But though a debate ensued on the message, which lasted till six o'clock at night, they came only to the following Resolution. "That because of the difficulty of the matter debated, there should be further time granted to the committee, to begin it again on Monday the 4th instant, at eight in the morning. And that the Treasurer, Comptroller, and Mr. Secretary Windebank, be intreated, from this house, to acquaint his majesty with this order."

A second Message to the same Purport.] May 4. Mr. Treasurer acquainted the house, That they had made known to his majesty their order of Saturday; in Answer to which, the king had sent another Message, which was also read in these words:

"Whereas, upon Saturday last, his majesty

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was pleased to send a message to this house, desiring you to give a present answer concerning his Supply; to which, as yet, his majesty hath had no other answer, but that, upon this day, you will again take it into further consideration: Therefore his majesty, the better to facilitate your resolutions, this day, hath thought fit to let you know, that, of his grace and favour, he is pleased, (upon your granting twelve subsidies to be presently passed, and to be paid in three years, with a proviso that it shall not determine the sessions) not only, for the present, to forbear the further levying of any Ship-Money, but will also give way to the utter abolishing of it, by any course that yourselves shall like best.—And for your Grievances, his majesty will (according to his royal promise) give you as much time as may be now, and the next Michaelmas; and he expects a present and positive Answer upon which he may rely, his affairs being in such a condition as can endure no longer delay."

The King dissolves the Parliament.] The commons went again into a committee of the whole house, to consider of his majesty's Messages of Saturday and of this day. The serjeant was sent to the several bars, in Westminster Hall, to summon the members to come to the service of the house. But though they spent this whole day, also, in preparing an Answer to the king's Messages, they came to no other Resolution than to adjourn it till the next morning at 8 of the clock; and that the former officers should acquaint his majesty with it. But, the next day, Rushworth informs us, That Mr. Secretary Windebank went early to the Speaker's house in Chancery-Lane, with a command to bring him to Whitehall: that the commons met at the usual hour; but the Speaker not appearing, according to custom, they concluded they were to be dissolved. And, as they were discoursing with one another, James Maxwell, esq. gentleman-usher of the black rod, came to require their appearance in the upper house; where the king spake as follows:

"My Lords; There can no occasion of my coming to this house be so unpleasing unto me, as this at this time. The fear of doing that, which I am to do this day, made me not long since come into this house; where I exprest as well my fears as the remedy, which I thought necessary for the eschewing of what is to follow. I must confess and acknowledge that you, my lords of the higher house, did give me so willing an ear, and with such affection did shew yourselves; that, certainly I may say, if there had been any means to have given an happy end to this parl. you took it; so that it was neither your lordships fault nor mine, that it is not so. Therefore in the first place, I must thank you, my lords, for your good endeavours.—My lords, I hope you remember what, the first day of the parliament, my lord keeper said to you in my name; and what likewise he said in the Banqueting house in Whitehall; and what, lately, I said unto you in this place myself. I name all this unto you, not doubting that you do not well remember it; but to shew you that I never said any thing in way of favour to my people, but, by the grace of God, I will punctually and really perform it.—I know they have insisted very much on Grievances; I will not say but there may be some, though I will confidently affirm that there are not, by many degrees, so many as the public voice doth make them. Wherefore I desire you to take notice, now especially at this time, that out of parliament I shall be as ready, if not more willing, to hear and redress any just grievances, as in parliament.—There is one thing much spoken of, I mean as to matters of religion. Concerning which, albeit I expressed myself fully the last day in this place, yet I think it fit again on this occasion to tell you, that as I am concerned, so I shall be most careful to preserve that purity of religion which I thank God, is so well established in the church of England; and that as well out of, as in, parliament.—My Lords, I shall not trouble you long with words, it being not my fashion; wherefore to conclude, what I offered the last day to the house of commons, I think is very well known to you all; as likewise how they accepted it, which I desire not to remember; but wish they had remembered how at first they were told by my lord keeper, that delay was the worst kind of denial: yet I will not lay this fault on the whole house of commons; I will not judge so uncharitably of those whom, for the most part, I take to be loyal and well affected subjects; but it hath been the malicious cunning of some few seditiously affected men that hath been the cause of this misunderstanding.—I shall now end as I begun, in giving your lordships thanks for the care you have of my honour and affairs, desiring you to go on and assist me in the maintaining of my government and the liberties of the people, that they now so much startle at; for, my lords, no king in the world shall be more careful to maintain the Property of their Goods, the Liberties of their Persons, and the true Religion, than I shall be. And now, my Lord-keeper, do as I have commanded you."

The lord-keeper then added: "My lords, and you the gentlemen of the house of commons, the king's majesty doth dissolve this parliament."

The King's Declaration of his Reasons for dissolving the Parliament.] Soon after the dissolution of this parliament the king published a Declaration of the Grounds and Reasons, which induced him to take such a step; in which is a recapitulation of all his Speeches, Messages, and Answers to them, from the beginning to the end of this parliament: to avoid tautology, we shall not repeat them here, but only give the Declaration itself:

"His Majesty's DECLARATION to all his loving Subjects, of the Causes which moved him to dissolve the last PARLIAMENT.

"The king's most excellent majesty well knoweth, that the calling, adjourning, proroguing and dissolving of parliaments are

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undoubted prerogatives inseparably annexed to his imperial crown; of which he is not bound to render any account, but to God alone, no more than of his other regal actions.—Nevertheless his maj. whose piety and goodness have made him ever so to order and govern all things, that the clearness and candor of his royal heart may appear to all his subjects; especially in those great and publick matters of state, that have relation to the weal and safety of his people, and the honour of his royal person and government; hath thought fit (for avoiding and preventing all sinister constructions and misinterpretation, which the malice of some ill-affected persons to his crown and sovereignty, hath or may practise to infuse into the minds and ears of his good and faithful subjects) to set down by way of declaration, the true causes, as well of his assembling, as of his dissolving, the late parliament.—It is not unknown to most of his majesty's loving subjects, what discouragements he hath formerly had, by the undutiful and seditious carriage of divers of the lower house in preceding assemblies of parliaments; enough to have made him averse to those antient and accustomed ways of calling his people together; when, instead of dutiful expressions towards his person and government, they vented their own malice and disaffections to the state; and, by their subtil and malignant courses, endeavoured nothing more than to bring into contempt and disorder all government and magistracy.—Yet his majesty, well considering that but few were guilty of that seditious and undutiful behaviour; and hoping that time and experience had made his loving subjects sensible of the distemper the whole kingdom was like to be put into, by the ill-governed actions of those men: and his maj. being ever desirous to tread in the steps of his most noble progenitors, was pleased to issue forth his writs under the great seal of England for a parliament, to be holden the 13th day of April last.—On that day his majesty, by the lord-keeper of his great seal, was graciously pleased to let both houses of parliament know how desirous he was, that all his people would unite their hearts and affections in the execution of those counsels, that might tend to the honour of his maj. the safety of his kingdoms, and the good and preservation of all his people: and withal, how confident he was that they would not be failing in their duties and affections to him and to the public.—He laid open to them the manifest and apparent mischiefs threatened to this and all his other kingdoms, by the mutinous and rebellious behaviour of divers of the Scots nation; who had, by their examples, drawn many of his subjects there into a course of disloyalty and disobedience, not fit for his maj. in honour, safety, or wisdom to endure. And how that, to strengthen themselves in their disloyal courses, they had addressed themselves to foreign states, and treated with them to deliver themselves up to their protection and defence; as was made apparent under the hands of the prime ringleaders of that rebellious faction.—These courses of theirs tending so much to the ruin and overthrow of this famous monarchy, united by the descent of the crown of England upon his maj. and his father of blessed memory: his maj. in his great wisdom, and in discharge of the trust reposed in him by God, and by the fundamental laws of both kingdoms, for the protection and government of them, resolved to suppress; and, thereby, to vindicate that sovereign power intrusted to him.—He had, by the last summer's trial, found that his grace and goodness was abused; and that, contrary to his expectation and their faithful promises, they had, since his being at Berwick and the pacification there made, pursued their former rebellious designs: and therefore it was necessary now, for his maj. by force to reduce them to the just and modest condition of their obedience and subjection; which, whenever they should be brought unto, or, seeing their own errors, should put themselves into a way of humility and obedience becoming them; his maj. should need no other mediator for clemency and mercy to them, than his own piety and goodness, and the tender affection he hath ever born to that his native kingdom. This being of so great weight and consequence to the whole kingdom, and the charge of an army fit to master such a business amounting to such a sum as his maj. hath no means to raise; having not only emptied his own coffers, but issued between three and four hundred thousand pounds, which he borrowed of his servants upon security out of his own estate, to provide such things as were necessary to begin such an action with: his maj. after the example of his predecessors, resorted to his people in their representative body, the parliament; whom he desired, with all the expressions of grace and goodness which could possibly come from him, that, taking into serious and dutiful consideration the nature of these bleeding evils, and how dangerous it was to lose the least minute of time, lest thereby those of Scotland should gain the opportunity to frame their parties with foreign states: they would, for a while, lay aside all other debates, and pass an act for the speedy payment of so many Subsidies, as might enable his maj. to put in readiness, for the summer's expedition, those things which were to be prepared before so great an army could be brought into the field. But for a further Supply, necessary for so great an undertaking, his maj. declared, that he expected it not, till there might be a happy conclusion of that session; and till their just Grievances might be, first, graciously heard and relieved.—And therein as his maj. would, most willingly, have given them the precedence before matter of Supply, if the great necessity of his occasions could have permitted; so he was graciously pleased, for their full assurance and satisfaction therein, to give them his royal word, that, without determining the session, upon granting of the Subsidies, he would give them, before they parted, as much time as the season of the

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year and the great affairs in hand would permit, for considering all such petitions as they conceived to be for the good of the commonwealth; and what they could not now finish, they should have full time to perfect towards winter: his maj. graciously assuring them, that he would go along with them for their advantage, through all the expressions of a gracious and pious king; to the end there might be such a happy conclusion of that, as might be the cause of many more meetings with them in parliament.—From their first assembling until the 21st of April, the house of commons did nothing that could give his maj. any content or confidence in their speedy supplying of him: whereupon he commanded both the houses to attend him in the Banquetting-House, at Whitehall, in the afternoon of that 21st of April; where, by the lord-keeper, his maj. put them in mind of the end for which they were assembled, which was for his majesty's Supplies: that if it were not speedy it would be of no use unto him, part of the army then marching at the charge of above a hundred thousand pounds a month; which would all be lost, if his maj. were not, presently, supplied, so as it was not possible to be longer forborn. Yet his maj. then expressed, that the Supply he for the present desired, was only to enable him to go on with his designs for three or four months; and that he expected no further Supply till all their just Grievances were relieved.—And, because his maj. had taken notice of some misapprehensions about the levying of Ship-Money, his maj. commanded the lord-keeper to let them know, that he never had any intention to make any revenue of it, nor had ever made any; but that all the money collected had been paid to the treasurer of the navy, and by him expended, besides several great sums of money every year out of his majesty's own purse: that his maj. had once resolved, this year, to have levied none; but that he was forced to alter his resolution, in regard he was of necessity to send an army for reducing those of Scotland, during which time it was requisite the seas should be well guarded. And besides his maj. had knowledge of the great fleets prepared by all neighbouring princes this year, and of the insolencies committed by those of Algiers, with the store of ships they had in readiness. And therefore, though his maj. for this present year could not forbear it, but expected their concurrence in the levying of it; yet, for the future, to give all his subjects assurance, how just and royal his intentions were, and that all his aim was, but to live like their king; able to defend himself and them; to be useful to his friends, and considerable to his enemies; to maintain the sovereignty of the seas, and so make the kingdom flourish in trade and commerce: he was graciously pleased to let them know, that the ordinary revenue, now taken by the crown, could not serve the turn; and therefore that it must be by Ship-money, or some other way, wherein he was willing to leave it to their considerations, what better course to find out; and to settle it how they would, so the thing were but done, which so much imported the honour and safety of the kingdom. That his maj. for his part, would most readily and chearfully grant any thing they could desire, for securing them in the property of their goods and estates, and in the liberty of their persons: his maj. telling them, it was in their power to make this as happy a parliament as ever was; and to be the cause of the king's delighting to meet with his people, and his people with him: and that there was no such way to effect this, as by putting obligations of trust and confidence upon him; which, as it was the way of good manners with a king, so it was a surer and safer course for themselves, than any that their own jealousies and fears could invent; his majesty being a prince that deserved their trust, and could not lose the honour of it; and of so gracious a nature that he disdained his people should overcome him by kindness: that he had made this good to some other subjects of his; and, if they followed his counsel, they should be sure not to repent it; being the people that were nearest and dearest unto him, and subjects that he did and had reason to value more, than the subjects of any of his other kingdoms.—His majesty having thus graciously expressed himself unto them, he expected the house of commons would have, the next day, taken into consideration the matter of Supply; and laid aside all other debates, till that was resolved of according to his desire. But, instead of giving an answer therein, such as the pressing and urgent occasions required, they fell into discourses and debates about their pretended Grievances; and raised up so many, and of so several natures, that, in a parliamentary way, they could not but spend more time than his majesty's great and weighty affairs could possibly afford.—His majesty foreseeing, in his great wisdom, that they were not in the way to make this a happy parliament, which he so much desired and hoped; yet, that nothing might be wanting on his part, to bring them into the right way; he resolved, for his honour, the safety of the kingdom, and their own good, to desire the assistance of the lords of the higher house, as persons in rank and degree nearest to the royal throne; and who, having received honour from him and his royal progenitors, he doubted not, would, for those and many other reasons, be moved in honour and dutiful affection to his person and crown, to dispose the house of commons to express their duty to his majesty; in expediting the matter of Supply, for which they were called together, and which required so present a dispatch.—For this purpose his maj. in his royal person, came again to the lords house on Wednesday, the 24th of April; where he himself declared to the lords the cause of his coming; which was to put them in mind of what had been, by the lord keeper in his name, delivered to both houses the first day of the parliament, and after at Whitehall;

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and how, contrary to his expectation, the house of commons, having held consultation of matter of Religion, Property of Goods, and Liberty of Parliament; and voted some things concerning those three heads, had thereby given them the precedence before the matter of his Supply: that his necessities were such, they could not bear delay: that whatever he had by the lord keeper promised, he would perform, if the house of commons would trust him.—That, for Religion, his heart and conscience went together with the Religion established in the church of England; and he would give order to his archbishops and bishops, that no innovation in matter of Religion should creep in.—For Ship-Money, that he never made, nor intended to make any profit to himself of it, but only to preserve the dominion of the seas; which was so necessary, that without it the kingdom could not subsist: but for the way and means, by Ship-Money, or otherwise, he left it to them.—For Property of Goods, and Liberty of Parliament, he ever intended his people should enjoy them; holding no king so great, as he that was king of a rich and free people; and if they had not property of goods and liberty of persons, they would be neither rich nor free.—That, if the house of commons would not first trust him, all his affairs would be disordered, and his business lost. That though they trusted him in part at first, yet, before the parliament ended, he must totally trust them; and, in conclusion, they must, for the execution of all things, wholly trust him. Therefore since the matter was no more, than who should be first trusted; and that the trust of him first, was but a trust in part; his majesty desired the lords to take into their considerations his and their own honour, the safety and welfare of this kingdom, with the great danger it was in; and that they would, by their advice, dispose the house of commons to give his Supply the precedency before their Grievances.—His majesty being departed, the lords took into serious consideration what his majesty had commended to their care; and, forthwith, laying aside all other debates (such was their lordships dutiful and affectionate carriage, they well remembring what had been formerly declared in his maj.'s name to both houses, his maj.'s gracious promises and expressions then, and at this time, with the pressing and urgent occasions which so much imported the honour of his majesty, and the good of his kingdom) their lordships delivered their votes in these words, 'We are of opinion, that the matter of his majesty's Supply should have precedence, and be resolved on before any other matter whatsoever. And we think fit, that there shall be a conference desired with the house of commons, to dispose them thereunto.'—Accordingly the next day, being Saturday the 25th of April, a conference was held in the Painted Chamber, by a committee of both houses; where the lord-keeper, by command of the lords, told the house of commons of his maj.'s being, the day before, in person, in the higher house; how graciously he had expressed himself in matter of Religion, Property of Goods, and Liberty of Parliament; and that he would therein graciously hear and relieve them, and give them what, in reason, could be desired; with the effect of what else had been graciously delivered unto them by his majesty, as well touching his constant zeal and affection to the Religion established in the church of England, as touching the Ship-Money.' [Next follow the proceedings in parliament, as before related, then the Declaration goes on thus:] By all the proceedings herein declared, it is evident to all men, how willing and desirous his majesty hath been, to make use of the antient and noble way of parliaments, used and instituted by his royal predecessors, for the preservation and honour of this famous monarchy: and that, on his maj.'s part, nothing was wanting, that could be expected from a king, whereby this parliament might have had a happy conclusion; for the comfort and content of his maj.'s subjects, and for the good and safety of this kingdom. On the contrary it is apparent, how those of the house of commons whose sinister and malicious courses enforced his maj. to dissolve this parliament, have vitiated and abused that antient and noble way of parliament; perverting the same to their own unworthy ends, and forgetting the true use and institution of parliaments.—For whereas these meetings and assemblies of his majesty with the peers and commons of this realm, were, in their first original, and in the practice of all succeeding ages, ordained and held as pledges and testimonies of affection between the king and his people; the king, for his part, graciously hearing and redressing such grievances as his people, in humble and dutiful manner, should represent unto him; and the subjects, on their part, as testimonies of their duty, supplying his maj. upon all extraordinary occasions, for support of his honour and sovereignty, and for preserving the kingdom in glory and safety: those ill-affected members of the house of commons, instead of an humble and dutiful way of presenting their grievances to his majesty, have taken upon them to be the guides and directors in all matters that concern his majesty's government, both temporal and ecclesiastical: and, as if kings were bound to give an account of their regal actions, and of their manner of government, to their subjects assembled in parliament, they have, in a very audacious and insolent way, entered into examination and censuring of the present government; traduced his majesty's administration of justice, and, as much as in them lay, rendered odious to the rest of his maj.'s subjects, not only the officers and ministers of state, but even his maj.'s government itself; which hath been so just and gracious, that never did this, or any other nation, enjoy more blessings and happiness, than hath been, by all his maj.'s subjects, enjoyed ever since his majesty's access to the crown; nor did this kingdom ever so flourish in trade and commerce, as at this present, or partake

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of more peace and plenty in all kinds whatsoever. And whereas, the ordinary Revenues of the crown not sufficing to defray extraordinary charges, it hath ever been the usage, in all parliaments, to aid and assist the kings of this Realm with free and fitting Supply, towards the maintenance of their wars, and for making good their royal undertakings; whereby the kingdom, intrusted to their protection, might be held up in splendor and greatness: these ill-affected persons of the house of commons have been so far from treading in the steps of their ancestors, by their dutiful expressions in this kind, that, contrarily, they have introduced a way of bargaining and contracting with the king; as if nothing ought to be given him by them, but what he should buy and purchase of them; either by quitting somewhat of his royal prerogative, or by diminishing and lessening his revenues; which courses of theirs, how repugnant they are to the duty of subjects; how unfit for his maj. in honour, to permit and suffer; and what hazard and dishonour they subject this kingdom to; all men may easily judge, that will but equally and impartially weigh them. His maj. hath been, by this means, reduced to such straits and extremities, that, were not his care of the public good and safety far greater than theirs, these men, as much as in them lies, would quickly bring ruin and confusion to the state, and render contemptible this glorious monarchy. But this frowardness and undutiful behaviour of theirs cannot lessen his maj.'s care of preserving the kingdoms intrusted to his protection and government; nor his gracious and tender affection to his people, for whose good and comfort his maj. by God's gracious assistance, will so provide, that all his loving subjects may still enjoy the happiness of living under the blessed shade and protection of his royal sceptre.—In the mean time, to the end all his maj.'s loving subjects may know, how graciously his maj. is inclined to hear and redress all the just grievances of his people, as well out of parliament as in parliament; his maj. doth hereby further declare his royal will and pleasure, that all his loving subjects who have any just cause to present, or complain of any grievances or oppressions, may freely address themselves, by their humble petition, to his sacred majesty; who will graciously hear their complaints, and give such fitting redress therein, that all his people shall have just cause to acknowledge his grace and goodness towards them; and to be fully satisfied that no persons or assemblies can more prevail with his maj. than the piety and justice of his own royal nature, and the tender affection he doth, and shall ever bear to all his people and loving subjects."

Remarks on the Proceedings of the late Parliament.] Besides giving the king's Declaration of his Reasons for dissolving this Parliament, it will be necessary also to give the sentiments of cotemporary historians, concerning the occasional debates in the house of commons, during this session; particularly, of the last two days of it. We have, hitherto, altogether followed the authority of the Journals and Mr. Rushworth, in the foregoing account; but they not entering so deeply into these proceedings as some others have done, and particularly lord Clarendon, who was himself a member of this parliament, it cannot be amiss to give that noble author's own account of them first: and, chiefly, in his own words.—After giving an abstract of the king's and lord-keeper's speeches, at the opening, with some subsequent speeches in the house of commons made by Mr. Pym, Mr. Grimston, and others, on Grievances, particularly Ship-Money; and that one Peard, a bold lawyer of little note, said, It was an Abomination; he tells us, "That they were smartly taken up by Herbert, the king's solicitor; who, with all imaginable address, put them in mind, with what candour his majesty had proceeded in that and all other things, which related to the administration of justice to all his people: and that howsoever he was persuaded within himself of the justice, as well as the necessity of levying Ship-Money, he would not send out a writ for the doing thereof, till he received the affirmative advice of all the judges in England: and when the payment thereof was opposed by a gentleman, (whom he then took occasion to stroke and commend, for his great temper and moderation in that suit) the king was very well contented that all the judges of England should determine the right: That never any cause had been debated and argued more solemnly before the Judges; who, after long deliberation amongst themselves, and being attended with the Records, which had been cited on both sides, delivered each man his opinion and judgment publickly in court; and so largely, that but two Judges argued in a day. And, after all this, and a Judgment with that solemnity pronounced for the king, by which he was as legally possessed of that right, as of any thing else he had: that any particular man should presume to speak against it with that bitterness, as to call it an 'Abomination,' was very offensive and unwarrantable: and desired that the gentleman, who had used the expression, might explain himself, and then withdraw." On this speech several of the members were for calling Peard to the bar; and he hardly got off without a severe reprimand. Which affair the noble historian mentions, chiefly to shew the temper and sobriety of the house, and that their dissolution, afterwards, was the more to be lamented.

Our author next proceeds to relate the several transactions, in the succeeding days, pretty much as they are given in Rushworth and the Journals, till he comes to the debates on the king's Message for Supply; where he mentions the particular Subsidies he wanted. On which account, he says, "Mr. Hampden, the most popular man in the house, in regard of his singly opposing Ship-Money, thought it fit time to put the question, 'Whether the

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house would consent to the proposition made by the king, as it was contained in the message?' Which would have been sure to have found a negative from all who thought the sum too great, or were not pleased that it should be given in recompence for Ship Money. We shall give the noble author's own words for the rest; observing that, when he mentions Mr. Hyde, it is himself he speaks of; who seems to have had a great sway, and to have been well heard, in the house, at that time.

"When many called to have this question, Serjeant Glanville, the Speaker, (who sat by amongst the other members whilst the house was in a committee, and had rarely used to speak in such seasons) rose up, and, in a most pathetical speech, in which he excelled, endeavoured to persuade the house 'To comply with the king's desire, for the good of the nation, and to reconcile him to parliaments for ever; which this seasonable testimony of their affections would infallibly do.' He made it manifest to them how very inconsiderable a sum 12 Subsidies amounted to, by telling them, 'That he had computed what he was to pay for those 12 Subsidies;' and when he named the sum, he being known to be possessed of a great estate, it seemed not worth any farther deliberation. And, in the warmth of his discourse, which he plainly discerned made a wonderful impression upon the house, he let fall some sharp expressions against the imposition of Ship Money, and the judgment in the point; which he said, plainly, 'Was against law, if he understood what law was,' (who was known to be very learned) which expression, how necessary and artificial soever to reconcile the affections of the house to the matter in question, very much irreconciled him at court, and to those on whom he had the greatest dependence,"—There was scarce ever a speech that more gathered up and united the inclinations of a popular counsel to the Speaker: and, if the question had been presently put, it was believed the number of the dissenters would not have appeared great: but, after a short silence, some men, who wished well to the main, expressed a dislike of the way: so that other men recovered new courage, and called again, with some earnestness, 'That the question, formerly proposed by Mr. Hambden, should be put;' which seemed to meet with a concurrence. Mr. Hyde then stood up, and desired, 'That question might not be put;' and said, 'It was a captious question, to which only one sort of men could clearly give their vote; which were they who were for a rejection of the king's Proposition, and no more resuming the debate upon that subject: but that they, who desired to give the king a Supply, as he believed most did, though not in such a proportion, nor, it may be, in that manner, could receive no satisfaction by that question; and therefore he proposed, to the end that every man might frankly give his Yea, or his No, that the question might be put, only, upon the giving the king a Supply; which being carried in the affirmative, another question might be upon the proportion and the manner; and if the first were carried in the negative, it would produce the same effect as the other question, proposed by Mr. Hambden, would do.' This method was received by some with great approbation, but opposed by others with more than ordinary passion, and diverted by other propositions; which, being seconded, took much time without pointing to any conclusion. In the end Serjeant Glanville said, 'That there had been a question proposed by his countryman that agreed very well with his sense; and moved, 'That the gentleman might be called upon to propose it again.' Mr. Hyde stated the case again as he had done, answered somewhat that had been said against it, and moved, 'That question might be put.' Whereupon for a long time there was nothing said, but a confused clamour and call, 'Mr. Hambden's Question,' 'Mr. Hyde's Question;' the call appearing much stronger for the last than the former: and it was generally believed that the question had been put and carried in the affirmative, though it was positively opposed by Herbert, the solicitor-general, for what reason no man could imagine, if Sir Henry Vane, the secretary, had not stood up and said, 'That as it had been always his custom to deal plainly and clearly with that house in all things, so he could not but now assure them, That the putting and carrying that question could be of no use; for that he was most sure, and had authority to tell them so, That if they should pass a vote for the giving the king a Supply, if it were not in the proportion and manner proposed in his majesty's Message, it would not be accepted by him; and therefore desired that question might be laid aside:' Which being again urged by the solicitor general, upon the authority of what the other had declared; and the other privy-counsellors saying nothing, though they were much displeased with the secretary's averment, the business was no more pressed: but it being near five o'clock in the afternoon, and every body weary, it was willingly consented to, that the house should be adjourned till the next morning."

"Both sir Henry Vane, and the solicitor-general, whose opinion was of more weight with the king than the others, had made a worse representation of the humour and affection of the house than it deserved; and undertook to know, that if they came together again, they would pass such a vote against Ship-Money as would blast that revenue and other branches of the receipt: which others believed they would not have had the confidence to have attempted; and very few, that they would have had the credit to have compassed. What followed in the next parliament, within less than a year, made it believed, That sir Henry Vane acted that part maliciously, and to bring al into confusion; he being known to have an implacable hatred against the earl o Strafford,

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lieutenant of Ireland, whose destruction was then upon the anvil. But what transported the solicitor, who had none of the ends of the other, could not be imagined, except it was his pride and peevishness, when he found he was like to be of less authority there than he looked to be; and yet he was heard with great attention, though his parts were most prevalent in puzzling and perplexing that discourse he meant to cross. Let their motives be what they would, they two, and they only, wrought so far with the king, that without so much deliberation as the affair was worthy of, his majesty, the next morning, which was on the 5th of May, near a month after their first meeting, sent for the Speaker to attend him, and took care that he should go directly to the house of peers, upon some apprehension, that if he had gone to the house of commons, that house would have entered upon some ungrateful discourse, which they were not inclined to do: and then sending for that house to attend him, the keeper, by his majesty's command, dissolved the parliament."

"There could not a greater damp have seized upon the spirits of the whole nation, than this Dissolution caused; and men had much of the misery in view, which shortly after fell out. It could never be hoped that more sober and dispassionate men would ever meet together in that place, or fewer who brought ill purposes with them; nor could any man imagine what offence they had given, which put the king upon that resolution. But it was observed, that, in the countenances of those who had most opposed all that was desired by his majesty, there was a marvellous serenity; nor could they conceal the joy of their hearts: for they knew enough of what was to come, to conclude that the king would be shortly compelled to call another parliament; and they were as sure, that so many, so unbiassed men, would never be elected again.—Within an hour after the dissolving, Mr. Hyde met Mr. Saint-John, who had naturally a great cloud in his face, and very seldom was known to smile; but then had a most chearful aspect; and, seeing the other melancholic, as in truth he was from his heart, asked him, 'What troubled him?' Who answered, 'That the same that troubled him, he believed troubled most good men; that in such a time of confusion, so wise a parliament, which alone could have found remedy for it, was so unseasonably dismissed.' The other answered with a little warmth, 'That all was well; and that it must be worse before it could be better; and that this parliament could never have done what was necessary to be done:' as indeed it would not, what he and his friends thought necessary."

Lord Clarendon farther tells us, "That when the king had reflected on what he had done, and what was like to fall out; and was better informed of the temper and duty of this house of commons; and that they had voted a Supply, if sir Hen. Vane had not hindered it, by so positive an assertion, That the king would refuse it; he was heartily sorry for what he had done; and declared, with great anger, 'That he had never given him such authority; and that he well knew the giving him any Supply would have been welcome to him; because the reputation of his subjects assisting him, in that conjuncture, was all that he looked for and considered.' That the king consulted the same day, whether he might, by his Proclamation, recall them to meet together again; but finding that impossible, he went upon trying all expedients for raising money without them: in which he had such wonderful success, that, in less than 3 weeks, by the voluntary Loan of the particular lords of the council, and of other private gentlemen about the city, there was no less than 300,000*l.* paid into the exchequer for his majesty's use. A sum, adds our author, that sufficiently manifests the plenty of that time; and greater than most princes in Europe could have commanded at so short warning; and was an unanswerable argument, that the hearts of all his subjects were not then alienated from their duty to their king, or a just jealousy for his honour."

Principal Proceedings after the Dissolution.] Before we enter upon the proceedings of the next parliament, it is necessary to be a little particular in the recital of those affairs, which happened after the Dissolution of the last. The day after it was dissolved, warrants were issued out from the council for searching the study and pockets of the lord Brooke, on a great suspicion that he held a correspondence with the Scots. Sir Henry Bellasise and sir John Hotham, two Yorkshire baronets were also convened before the council; who, refusing to answer to questions, about matters done in parliament, were committed to the Fleet. Mr. Crew, another member also, and chairman to the committee on Religion, for refusing to deliver the Petitions and Complaints, made to the committee, on those matters, was sent to the Tower.

Though the parliament was dissolved, yet the king ordered the Convocation to sit still; which occasioned a new dispute, in pamphlets; some arguing that both those assemblies were to end together: others to the contrary; for that the writ, for calling the Convocation, run for their continuance durante bene placito regis. And the sages of the law being consulted, they gave it, 'That the Convocation, called by the king's writ, was not to dissolve but by the king's writ, notwithstanding the dissolution of the parliament.' Some synodical affairs were done here; as the Imposition of a new Oath, to support Episcopacy and the present Church-Government; which they did, in opposition to the lay-elders in Scotland, who had framed a Covenant for the destruction of it. But this, and some other matters, must have been done in fear and trembling; for the king was forced to set a guard about Westminster-abbey, during their whole sitting. The abp. of Canterbury's palace was assaulted in the night, by above 500 apprentices; who, if he had not

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been provided for his defence, might have fallen a sacrifice to popular fury, without the form and ceremony of a trial.

Whilst these tumults were in agitation, the king lost no time in raising another army, in order to suppress the invasion of the Scots; but either by cowardice or treachery, or both, they were beat at Newburn, on the banks of the river Tyne; which the Scots passing, made themselves masters of Newcastle and Durham, and all the country round them.—This last overthrow did not much diminish the king's forces, and he had still a very good army on foot; yet his affairs were very perplexed and intricate. Money was wanting; and, since the last parliament had resolved to grant none till the public Grievances were redressed, in consequence of which the king had been persuaded to dissolve them; his majesty was now again reduced to borrow money of the Spanish merchants, and others concerned in the bullion, then in the Tower, to the amount of 40,000l. But this being soon dissipated, his army only acting on the defensive, the king was now driven to the utmost distress.

Petitions to the King to call another Parliament.] This unhappy situation of affairs produced two Petitions to the King, (the one from several Peers, and the other from the city of London) complaining of Grievances and recommending the Calling of a Parliament as the only way to redress them. The Petitions were presented to the king at York, and were in these words:

"To the King's Most Excellent Majesty: The humble Petition of your majesty's most loyal and obedient subjects, whose names are here under-written, in behalf of themselves and divers others:

"Most gracious sovereign; The sense of that duty and service, which we owe unto your sacred majesty, and our earnest affection to the good and welfare of this your realm of England, have moved us, in all humility, to beseech your royal maj. to give us leave to offer unto your most princely wisdom, the apprehension which we, and other your faithful subjects, have conceived of the great distempers and dangers now threatening the church, the state, and your royal person, and the fittest means by which they may be prevented.—The Evils and Dangers whereof your maj. may be pleased to take notice, are these; 1. That your sacred maj. is exposed to hazard and danger, in the present expedition against the Scots army; and, by the occasion of the war, your revenue is much wasted, your subjects burthened with coat and conduct money, billetting of soldiers, and other military charges; and divers rapines and disorders committed in several parts in this your realm, by the soldiers raised for that service: and your whole kingdom become full of fear and discontent. 2. The sundry Innovations, in matters of Religion; the oath and canons lately imposed upon the clergy, and other your majesty's subjects, 3. The great increase of Popery, and employing of popish recusants, and others ill-affected to the religion by law established, in places of power and trust; and especially commanding of men and arms, both in the field and divers counties in this realm; whereas, by the laws, they are not permitted to have arms even in their own houses. 4. The great mischief which may fall upon this kingdom, if the intentions, which have been credibly reported, of bringing in of Irish forces shall take effect. 5. The urging of Ship-Money, and prosecution of some sheriffs in the Star-Chamber for not levying of it. 6. The heavy charges of Merchandize, to the discouragement of trade; the multitude of Monopolies, and other patents, whereby the commodities and manufactures of the kingdom are much burthened, to the great and universal grievance of your people. 7. The great grief of your subjects, by the Intermission of Parliaments, in the late and former dissolving of such as have been called; with the hopeful effects which, otherwise, they might have procured.—For a Remedy whereof, and prevention of the danger that may ensue to your royal person, and to the whole state, we do, in all humility and faithfulness, beseech your most excellent maj. that you would be pleased to summon a parliament within some short and convenient time; whereby the cause of these, and other great Grievances, which your poor petitioners now lye under, may be taken away; and the authors and counsellors of them, may be there brought to such legal trial and condign punishment, as the nature of the offence does require; and that the present war may be composed, by your majesty's wisdom, without bloodshed, in such manner as may conduce to the honour and safety of your majesty's person, the content of your people, and continuance of both your kingdoms against the common enemy of the reformed religion. (Signed) BEDFORD, ESSEX, HERTFORD, WARWICK, BRISTOL, MULGRAVE, SAY and SEAL, HOWARD, BOLINGBROOKE, MANDEVILLE, BROOKE, PAGET."

"To the King's most Excellent Majesty: The humble Petition of your majesty's subjects the Citizens of London:

"Most gracious sovereign; Being moved with the duty and obedience, which, by the laws, your petitioners owe unto your sacred majesty, they humbly present unto your princely and pious wisdom, the several pressing Grievances following, viz. 1. The pressing and unusual Impositions upon Merchandize imported and exported, and the urging and levying of Ship-Money; notwithstanding both which, merchants ships and goods have been taken and destroyed, both by Turkish, and other pirates. 2. The multitude of Monopolies, Patents, and Warrants; whereby trade in this city, and other parts of the kingdom, is much decayed. 3. The sundry Innovations in matters of Religion. 4. The Oath and Canons lately enjoined by the Convocation; whereby your petitioners are in danger to be deprived

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of their ministers. 5. The great concourse of papists, and their inhabitations in London, and the suburbs, whereby they have more means and opportunity of plotting, and executing their designs, against the religion established. 6. The seldom calling, and sudden dissolutions of Parliaments, without redress of your subjects grievances. 7. The Imprisonment of divers citizens for nonpayment of Ship-Money, and Impositions; and the prosecution of many others in the Star-chamber, for not conforming themselves to commissioners in patents of Monopolies; whereby trade is restrained. 8. The great danger your sacred person is exposed unto in the present war, and the various fears that seized upon your petitioners, and their families, by reason thereof; which grievances and fears have occasioned so great a stop and distraction in trade, that your petitioners can neither buy, sell, receive, or pay as formerly; and tends to the utter ruin of the inhabitants of the city, the decay of navigation and cloathing, and the manufactures of this kingdom.—Your humble petitioners conceiving, that the said Grievances are contrary to the laws of this kingdom; and finding, by experience, that they are not redressed by the ordinary course of justice, do therefore, most humbly, beseech your most sacred maj. to cause a Parliament to be summoned with all convenient speed; whereby they may be relieved in the premises. And your petitioners and loyal subjects shall ever pray, &c."

These Petitions, we are told, were delivered to the king at York; but, before he received them, his majesty had issued out writs for summoning a great council of the peers to convene in that city, on the 24th of September following: therefore, for Answer to the Petition of the Lords, his majesty commanded them to offer what they had to propose for his honour and the safety of the kingdom, in that council.

Petition from the Scots Commissioners, to the same Purpose.] About this time also the Scots sent a Petition from their army to the king, but directed to the earl of Lanerk, secretary of state for Scotland; which was delivered to his majesty and answered by him, in the form following:

"To the king's most excellent majesty; The humble Petition of your Commissioners of the late Parliament, and others of your majesty's most Loyal Subjects of the kingdom of Scotland:

"Humbly sheweth; That whereas through many sufferings in this time past, extreme necessity hath constrained us, for our reliefs, and obtaining our humble and just desires, to come into England; where, according to our intentions formerly delivered, we have, in all our convoy, lived upon our own means, victuals, and goods brought along with us; and neither troubling the peace of the kingdom of England, nor hurting any of your majesty's subjects, of whatsoever quality in their persons or goods; having carried ourselves in a most peaceable manner, till we were pressed, by strength of arms, to put such forces out of the way, as did without our deservings, and (as some of them at the point of death have confessed) against their own consciences, opposed our peaceable passage at Newburn upon Tyne; and have brought their own blood upon their own heads, against our purposes and desires, expressed by letters sent to them at Newcastle: for preventing of the like, or greater inconveniences, and that, without further opposition, we may come to your majesty's presence, for obtaining, from your majesty's justice and goodness, full satisfaction to our just demands; we, your majesty's most humble and loyal subjects, do persist in that most humble and submissive way of petitioning which we have kept from the beginning; and from the which, no provocation of your majesty's enemies and ours, no adversity we have hitherto sustained, no prosperous success that can befal us, shall be able to divert our minds; most humbly entreating, that your maj. would, in the depth of your royal wisdom, consider at least our pressing Grievances; provide for the repair of our wrongs and losses; and, with the advice of the states of the kingdom of England, convented by parliament, settle a firm and durable peace against all invasions by sea and land; that we may, with chearfulness of heart, pay unto your maj. as our native king, all duty and obedience, that can be expected from loyal subjects, against the many and great evils which at this time threaten both kingdoms; whereat all your majesty's good, loyal, and loving subjects tremble to think, and which we unanimously beseech God Almighty to avert, that your majesty's throne may be established, in the midst of us, in religion and righteousness.—Your majesty's Answer we humbly desire, and earnestly wait for."

According to the prayer of this Petition, the king sent an Answer as follows;

"At the Court of York, Sept. 5. 1640. His majesty hath seen and considered this within-written Petition, and is graciously pleased to return this Answer by me, That he finds it in such general terms, that till you express the particulars of your desires, his maj. can give no direct Answer thereunto: wherefore his maj. requireth, that you would set down the particulars of your demands with expedition; he having been always ready to redress the Grievances of his people. And for the more mature deliberation of the weighty affairs, his maj. hath already given out summons for the meeting of the peers of this kingdom in the city of York, the 24th day of this month, that, with the advice of the peers, you may receive such Answer to your Petition, as shall most tend to his honour, and the peace and welfare of his dominions. And, in the mean time, if peace be what you so much desire, as you pretend, he expects, and by this his maj. commands, That you advance no further with your army into these parts; which is the only means that is left, for the present, to preserve

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peace between the two nations, and to bring these unhappy differences into a reformation; which none is more desirous of than his most sacred majesty. LANERK."

A Meeting of the Peers at York.] Whilst things were in this untoward situation the great Assembly of Peers met at York. Lord Clarendon writes, "That this assembly of the peers was a new invention, not before heard of; or so old, that it had not been practised, in England, for some hundreds of years. And that the grounds and intentions of this particular summons was never known;" but adds, "That it probably was the result of troubled and afflicted thoughts, since no other way at that time occurred."—The king's whole army, consisting of 12,000 foot and 3000 horse, was then in York, or were quartered in the villages round it. Several more petitions, from different counties, were now also presented to the king; all tending to advise him to call a parliament, as the only way to compose the difference between the two kingdoms.

The King's Speech to the Peers.] The time appointed by the king's writ for the grand Assembly of the Peers being come, a great number of them met at York; and, on the 24th of Sept. this Convention was opened in the Hall of the Deanery House, within the Close of the Cathedral; which was richly ornamented with tapistry, &c. for that purpose.* The king's chair of state was placed upon the half-pace of the stairs, at the upper end of the Hall; from whence his maj. delivered himself in the following speech to them:

"My lords; Upon sudden invasions, where the dangers are near and instant, it hath been the custom of my predecessors to assemble the Great Council of the peers, and, by their advice and assistance, to give a timely remedy to such evils, which could not admit a delay so long, as must of necessity be allowed for the assembling of the parliament. This being our condition at this time, and an army of rebels lodged within this kingdom, I thought it most fit to conform myself to the practice of my predecessors in like cases: that, with your advice and assistance, we might justly proceed to the chastisement of these insolencies, and securing of my good subjects.—In the first place, I must let you know, that I desire nothing more, than to be rightly understood of my people. And, to that end, I have of myself resolved to call a parliament; having already given order to my lord keeper to issue the writs instantly, so that the parliament may be assembled by the 3rd of November next: whither if my subjects bring those good affections which become them towards me, I shall not fail on my part to make it a happy meeting. In the mean time, there are two points wherein I shall desire your advice, which indeed were the chief cause of your meeting. First, What Answer to give to the Petition of the Rebels, and in what manner to treat with them. Of which, that you may give a sure judgment, I have ordered that your lordships shall be clearly and truly informed of the state of the whole business, and upon what reasons the advices that my privy-council unanimously gave me, were grounded. The second is, How my army shall be kept on foot and maintained, until the Supplies of a parliament may be had. For so long as the Scots army remains in England, I think no man will counsel me to disband mine: for that would be an unspeakable loss to all this part of the kingdom, by subjecting them to the greedy appetite of the rebels, besides the unspeakable dishonour that would thereby fall upon this nation."

A Treaty with the Scots at Ripon.] Lord Clarendon tells us, That when the Scots Petition came to be read, which was one of the first things the king ordered, it necessarily begat a Treaty. The Scots had always given the king as good and as submissive words as can be imagined. And this Petition, full of as much submission as a victory itself could suggest, as was urged by some lords, produced a treaty; and 16 of the English peers, then assembled, were appointed for it. These commissioners, to give no umbrage to the Scots, were chosen out of those lords, who were well affected to a Parliament, and no bitter enemies to the Covenanters. York was the place mentioned by the king for the Treaty, which the Scots would not consent to; giving for reason, That it was not a secure place for them, since their great enemy, the earl of Strafford, commanded there in chief, who had proclaimed them traitors in Ireland, before the king had done it in England, threatening to destroy their memory; against whom they had high matters of complaint: so Ripon was nominated by them, and agreed to by the king.—The treaty being opened, the great council of the peers continued still to meet; and took into consideration the king's second Proposition, concerning the keeping on foot and paying his forces; and being acquainted by the lord Strafford, that it would take 200,000*l.* to support them, it was resolved, That this sum should be borrowed of the city of London, and a letter from the lords was prepared and sent accordingly.

From the 24th of Sept. to the 18th of Oct. following, did the king and his great Council of Peers continue to sit as usual; the commissioners, from time to time, repairing to York, to acquaint them how they proceeded: but it all ended in nothing; for, as Whitlocke remarks, "Too many not only favouring, but joining with, and assisting the proceedings of the Scots Covenanters, the king was persuaded to remove the Treaty to London, and subject the country still to pay a contribution of 850*l.* a day, till all was concluded on. At which many wondered, and some inveighed against this Treaty, wishing the king would have put it rather to the issue of a battle; than to have given such terms to his subjects in rebellion; and of this judgment was Strafford and the

* Drake's Eboracum, p. 139.

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episcopal party. But the other party cryed up this treaty, as 'just, honourable, and pious, to prevent effusion of blood, and to settle peace:' and the king saw plainly, that both divers officers of his army, and even the private soldiers generally (which was a most remarkable inclination) had no mind to fight against the Scots; which chiefly caused the king to conclude this Treaty."

A New Parliament called.] Whilst this Assembly sat at York, the king had determined to summon a Parliament; and writs were accordingly issued out for one to meet on the 3d of November.—The Treaty at Ripon being adjourned, as beforementioned, the king and his lords came to London, in order to meet that Parliament, which will ever be remarkable in English History: a parliament, which many, before that time, thought would never have had a beginning; and afterwards, that it would never have had an end.

Nov. 3, 1640, the parliament met at Westminster, pursuant to the king's writs for that purpose. Before we begin our account of their proceedings, it may not be improper to give a List of the Members of both Houses:

A STATE of the PEERAGE at this time, distinguishing how much the number of Peers was increased since the Accession of the Stuart Family to the Crown. Extracted from the Lords Journals, Dugdale's Baronage, and other Authorities.

*** The Peers with an o. prefixed to their names, were such as took part with the King against the Parliament, after the War broke out, according to the List printed at Oxford by his Majesty's Order.

DUKE.

George Villiers, duke, marquis, and earl of Buckingham, earl of Coventry, visc. Villiers, and baron of Whaddon, infra ætat.

MARQUIS.

o. John Pawlet, marq. of Winchester, earl of Wiltshire, and lord St. John of Basing.

EARLS.

o. Thos. Howard, earl of Arundel and Surry, earl marshal of England, ld. Howard, Mowbray, Segrave, Brose of Gower, Fitz-Allan, Warren, Clun, Oswaldstree, Maltravers, and Graystock, k. g.

Awbery Vere, earl of Oxford, lord Bulbeck, Sandford, and Badlesmeer.

Algernon Percy, earl of Northumberland, lord Percy, Lucy, Poynings, Fitz-Payn, Brian, and Latimer, knight of the garter, lord high admiral.

o. John Talbot, e. of Shrewsbury, lord Talbot, Strange of Blakemeer, Gifford of Brimsfield, Furnival, Verdon, and Lovetot.

Anthony De Grey, e. of Kent, lord Grey of Ruthen, Hastings, Vallence, and Weysford.

o. Wm. Stanley, earl of Derby, lord Stanley, Strange of Knocking, lord of Man and the Isles, k. g.

o. Henry Somerset, earl of Worcester, lord Herbert of Chepstow, Ragland, and Gower.

George Manners, earl of Rutland, lord Roos of Hamelake, Belvoir and Trusbut.

o. Francis Clifford, earl of Cumberland, lord Clifford, Westmoreland, and Vescy.

Edward Ratcliffe, earl of Sussex, visc. Fitz-Walter, lord Egremont and Burnel.

o. Hen. Hastings, e. of Huntingdon, l. Hastings. Hungerford, Botreaux, Meoles, and Molyns.

o. Hen. Bourchier, e. of Bath, and l. Fitz-Warin.

o. Thomas Wriothesley, earl of Southampton, and Baron Wriothesley of Tichfield.

Francis Russell, earl of Bedford, and lord Russel of Thornhaugh.

Philip Herbert, e. of Pembroke and Montgomery, baron Herbert of Cardiffe and Shurland, lord Parre and Ross of Kendal, Fitz-Hugh, Marmion, and St. Quintin, lord chamberlain of the king's houshold, and k. g.

o. William Seymour, earl of Hertford, viscount Beauchamp, and baron Seymour.

Robert Devereux, e. of Essex and Eu, viscount Hereford and Bourchier, lord Ferrers of Chartley, Bourchier, and Lovain.

Theoph. Fynes, e. of Lincoln and lord Clinton.

Charles Howard, earl of Nottingham, and lord Howard of Effingham.

EARLS made since the first of King JAMES.

Theophilus Howard, earl of Suffolk, lord Howard of Walden, and knight of the garter.

o. Edward Sackville, earl of Dorset and baron Buckhurst, knight of the garter, and lord chamberlain to the queen.

William Cecil, earl of Salisbury, viscount Cranborne, and Baron Cecil of Essinden, k. g.

Wm. Cecil, e. of Exeter, baron Burghley, k. g.

Robert Carre, earl of Somerset, viscount Rochester, and baron of Branspeth, k. g.

John Egerton, earl of Bridgewater, visc. Brackley, and baron Ellesmere, lord president of Wales.

o. Robert Sidney, earl of Leicester, viscount Lisle, baron Sidney of Penshurst.

o. Spencer Compton, earl of Northampton, baron Compton of Compton.

Rob. Rich, e. of Warwick, and l. Rich of Leeze.

o. William Cavendish, earl of Devonshire, and baron Cavendish of Hardwick, infra ætat.

James Hamilton, earl of Cambridge, marquis of Hamilton, e. of Arran, baron of Even and Aberbrothwick, master of the horse to the king, k. g.

o. James Stuart, earl of March, and baron of Leighton-Bromeswold; also duke of Lenox, lord Aubigny, Darnley, Methuen, and St. Andrews, k. g.

o. James Hay, earl of Carlisle, viscount Doncaster, lord Hay of Sauley.

William Fielding, earl of Denbigh, and baron Fielding of Newnham-Padocks.

o. John Dighy, earl of Bristol, and baron Digby of Sherborne.

Lionel Cranfield, earl of Middlesex, and baron Cranfield of Cranfield.

Charles Villiers, earl of Anglesey, and baron of Daventry.

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Henry Rich, earl of Holland, baron of Kensington, and k. g.
e. John Holles, earl of Clare, lord Haughton of Haughton.
Oliver St. John, earl of Bolingbroke, and lord St. John of Bletshoe.
Mildmay Fane, earl of Westmoreland, lord le Despencer and Burghersh.
William Knowles, earl of Banbury, visc. Wallingford, and lord Knowles of Greys.

EARLS made since the first of King CHARLES.

Hen. Montague, earl of Manchester, viscount Mandevile, and baron of Kimbolton, lord privy seal.
e. Thos. Howard, e. of Berkshire, visc. Andover, and Lord Howard of Charleton, k. g.
e. Thos. Wentworth, e. of Cleveland, and lord Wentworth of Nettlested.
Edm. Sheffield, e. of Mulgrave, and lord Sheffield of Butterwick, k. g.
Henry Danvers, e. of Danby, lord Danvers of Dantsey, k. g.
Henry Cary, e. of Monmouth, and lord Cary of Lepington.
e. James Ley, earl of Marlborough, and lord Ley of Ley.
e. John Savage, e. Rivers, visc. Colchester and Rock-Savage, and lord Darcy of Chich.
Robert Bertie, earl of Lindsey, and lord Willoughby of Eresby, lord great chamberlain of England, and k. g.
e. Wm. Cavendish, earl of Newcastle, visc. Mansfield, lord Bolsover, and Ogle.
e. Henry Carey, earl of Dover, visc. Rochford, and lord Hunsdon.
e. John Mordaunt, earl of Peterborough, and lord Mordaunt of Turvey.
Henry Grey, earl of Stanford, lord Grey of Groby, Bonvile, and Harrington.
Thomas Finch, earl of Winchelsea and viscount Maidstone.
e. Rob. Pierepoint, e. of Kingston upon Hull, visc. Newark upon Trent, and lord Pierepoint of Holme-Pierepoint.
e. Rob. Dormer, e. of Caernarvon, visc. Ascot, and lord Dormer of Wing.
e. Mountjoy Blunt, earl of Newport, lord Mountjoy of Thurveston, also baron Mountjoy in Ireland.
e. Philip Stanhope, e. of Chesterfield and lord Stanhope of Shelford.
John Tufton, earl of Thanet, and lord Tufton of Tufton.
e. Ulrick de Burgh, e. of St. Albans, viscount Tunbridge, and baron of Somerhil; also e. of Clanrickard, visc. Galway, and baron of Imanney, in Ireland.
e. Jerome Weston, e. of Portland, lord Weston of Neyland.
Thos. Wentworth, e. of Strafford, visc. Wentworth, baron Wentworth of Wentworth, Woodhouse, Newmarch, Oversley and Raby, lord lieutenant of Ireland.

VISCOUNTS.

e. Francis Brown, visc. Montague, of Cowdrey.

VISCOUNTS made by King JAMES.

John Villiers, viscount Purbeck, and baron of Stoke-Pogeis.
Wm. Fiennes, visc. and baron Say and Sele.

VISCOUNTS made by King CHARLES.

e. Edw. Conway, visc. and baron Conway, of Ragley, also visc. Killultagh in Ireland.
e. Edw. Noel, visc. Cambden, baron Noel of Ridlington, and baron Hickes of Elmington.

BISHOPS.

Wm. Laud, abp. of Canterbury.
Richard Neile, abp. of York.
William Juxton, bp. of London, and lord high treasurer of England.
Thomas Morton, bp. of Durham.
Walter Curle, bp. of Winchester.
John Thornburgh, bp. of Worcester.
John Bridgeman, bp. of Chester.
John Williams, bp. of Lincoln.
John Davenant, bp. of Salisbury.
Rob. Wright, bp. of Coventry and Litchfield.
Godfrey Goodman, bp. of Gloucester.
Joseph Hall, bp. of Exeter.
Richard Montague, bp. of Norwich.
Barnabas Potter, bp. of Carlisle.
John Owen, bp. of St. Asaph.
William Pierce, bp. of Bath and Wells.
John Bancroft, bp. of Oxford.
George Coke, bp. of Hereford.
Matthew Wren, bp. of Ely, dean of his majesty's chapel royal.
Roger Manwaring, bp. of St. David's.
Robert Skinner, bp. of Bristol.
William Roberts, bp. of Bangor.
John Warner, bp. of Rochester.
Brian Duppa, bp. of Chichester.
John Towers, bp. of Peterborough.
Morgan Owen, bp. of Llandaff.

BARONS.

Henry Howard, lord Mowbray and Maltravers, eldest son to Thomas earl of Arundel.
Hen. Clifford, lord Clifford, only son of Francis earl of Cumberland.
Henry Nevil, lord Abergavenny.
James Touchet, lord Audley, of Heighleigh; earl of Castlehaven, in Ireland.
James Stanley, lord Strange, eldest son of William earl of Derby.
Charles West, lord Delawar, infra ætat.
Geo. Berkeley, l. Berkeley, of Berkeley-castle.
e. Henry Parker, lord Morley and Monteagle.
Richard Lennard, lord Dacres.
Edward Sutton, lord Dudley, of Dudley-castle.
e. Coniers D'Arcy, lord D'Arcy and Coniers.
e. William Stourton, lord Stourton, of Stourton.
Edward Vaux, lord Vaux, of Harrowden.
Thomas Windsor, l. Windsor, of Bradenham.
e. Thomas Cromwel, lord Cromwel, of Oakham.
e. William Eure, lord Eure, of Witton.
Philip Wharton, lord Wharton, of Wharton.
Wm. Willoughby, ld. Willoughby, of Parham.
e. William Paget, lord Paget, of Beaudesert.
Dudley North, lord North, of Cartlege.
e. George Bruges, lord Chandos, of Sudley.

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BARONS made by King JAMES.

William Petre, lord Petre, of Writtle.
Dutton Gerrard, lord Gerrard, of Gerrard's Bromley.
Wm. Spencer, l. Spencer, of Wormleighton.
o. Charles Stanhope, l. Stanhope, of Harrington.
o. Thomas Arundel, lord Arundel, of Wardour.
Christ. Roper, lord Tenham, of Tenham.
Edw. Montague, lord Montague, of Kimbolton, eldest son of Hen. earl of Manchester.
Basil Fielding, lord Fielding, of Newnham-Paddocks, eldest son of Wm. e. of Denbigh.
Rob. Grevil, lord Brook, of Beauchamp-Court.
o. Edw. Montague, l. Montague, of Boughton.
William Grey, lord Grey, of Wark.
o. Francis Leake, lord Deincourt, of Sutton.
John Roberts, lord Roberts, of Truro.

BARONS made by King CHARLES.

o. William Craven, lord Craven, of Hamsteed-Marshal.
o. Thos. Bellasis, l. Fauconberg, of Yarmouth.
o. John Lovelace, lord Lovelace, of Hurley.
o. John Pawlet, l. Pawlet, of Hinton St. George.
William Harvey, lord Harvey, of Kidbrooke, and baron Harvey of Ross, in Ireland.
o. Thomas Brudenel, lord Brudenel, of Stanton.
Wm. Maynard, lord Maynard, of Estaynes, and lord Maynard of Wicklow, in Ireland.
o. Thos. Coventry, l. Coventry, of Alesborough.
Edw. Howard, lord Howard, of Eskricke.
o. Geo. Goring, l. Goring, of Hurst-Pierepoint.
o. John Mohun, lord Mohun, of Okehampton.
o. Thos. Saville, lord Saville of Pontefract, and viscount Saville, in Ireland.
John Boteler, lord Boteler, of Bramfield.
o. Francis Leigh, lord Dunsmore.
o. William Herbert, lord Powys, of Powys.
o. Edw. Herbert, ld. Herbert, of Cherbury, and lord Herbert of Castle-Island, in Ireland.
o. Francis Cottington, lord Cottington, of Hanworth, master of the court of wards, and chancellor of the exchequer.
John Finch, lord Finch, baron of Fordwich, lord-keeper of the great seal of England.
o. Montague Bertie, lord Willoughby of Eresby, eldest son of Robert earl of Lindsey.
o. Ferdinando Hastings, lord Hastings, eldest son of Henry earl of Huntingdon.

PEERS created, or advanced in Peerage, after the Opening of the Parliament. Extracted from the Lords' Journals.

o. William Howard, baron of Stafford, created viscount Stafford, Nov. 11, 1640.
o. Charles Howard, lord Howard of Charlton, eldest son of Thomas earl of Berkshire, called up by writ, Nov. 18, 1640.
o. Thomas Wentworth, lord Wentworth of Nettlested, eldest son of Thomas earl of Cleveland, called up by writ, Nov. 25, 1640.
John Cary, lord Hunsdon, eldest son of Hen. e. of Dover, called up by writ, Nov. 27, 1640.
o. Henry Pierepoint, lord Pierepoint of Holme-Pierepoint, eldest son of Robert e. of Kingston, called up by writ, Jan. 12, 1640.
o. Rob. Rich, lord Rich of Lees, eldest son of Robert earl of Warwick, called up by writ, January 27, 1640.
Charles Longueville, lord Grey of Ruthen, called up by writ, Feb. 6, 1640.
o. Sir Fra. Seymour, kt. brother to the marq. of Hertford, created lord Seymour of Trowbridge, February 19, 1640.
o. Edw. Littleton, lord keeper of the great seal, created baron of Mounslow, Feb. 19, 1640.
Oliver St. John, lord St. John of Bletshoe, eldest son of Oliver earl of Bolingbroke, called up by writ, May 14, 1641.
o. Wm. Seymour, earl of Hertford, &c. created marquis of Hertford, June 3, 1641.
o. George Digby, lord Digby of Sherborne, eldest son of John earl of Bristol, called up by writ, June 9, 1641.
Thos. Bruce, e. of Elgin, in Scotland, created baron Bruce of Whorlton, Aug. 2, 1641.
o. Arthur Capel, created baron Capel of Hadham, August 6, 1641.
o. James Stuart, earl of March, created duke of Richmond, August 8, 1641.

The following were either created Peers, or advanced in Peerage, after the time of the King's withdrawing himself from the Parliament in January 1641; and were not admitted to take their Seats as such till after the Restoration.*

18 CAROLI, 1642.

o. Edward Somerset, earl of Worcester, created marquis of Worcester, Nov. 2.
o. Thomas lord Fauconbridge, created viscount Fauconbridge of Henknowl, January 31.
o. Sir Richard Newport of High-Ercal, county of Salop, created baron Newport. Oct. 14.
o. John Craven, esq. created baron Craven of Ryton, county of Salop, March 21.

19 CAROLI, 1643.

o. James, second son to the king, created duke of York, January 27.
o. Prince Rupert, created earl of Holderness and duke of Cumberland, January 24.
o. William earl of Newcastle, created marquis of Newcastle, October 27.
o. Henry lord Spencer, created earl of Sunderland, June 8.
o. Rd. e. of Carbery, in Ireland, created baron Vaughan of Emlih, co. Caermarthen, Oct. 25.
o. Henry Piercy, created baron Piercy of Alnwick, co. Northumberland, June 28.
o. Henry Wilmot, created baron Wilmot of Adderbury, co. Oxon, June 29.
o. Sir Thomas Leigh, created baron Leigh, of Stoneley, co. Warwick, July 1.
o. Sir Christ. Hatton, created baron Hatton of Kirby, co. Northampton, July 29.
o. Sir Ralph Hopton, created baron Hopton of Stratton, county of Cornwall, Sept. 4.

* This Account is chiefly taken from a Catalogue of the Peers created by the King, since the 4th of Jan. 1641, till his Majesty's remove from Oxford, April 27, 1646. Printed for Thomas Walkley, with the license of the earl of Arundel, earl-marshal of England.

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e. Hen. Jermin, created baron Jermin of St. Edmund's-Bury, county of Suffolk, September 8.
o. Hen. Hastings, created baron Loughborough of Loughborough, co. Leicester, Oct. 22.
o. Sir John Byron, created baron Byron of Rochdale, county of Lancaster, Oct. 24.
e. Sir Ch. Smith, created baron Carrington of Wotton, co. Warwick, Oct. 31, and viscount Carrington, of Barrefore in Ireland, Nov. 24.
o. Sir Wm. Widdrington, created baron Widdrington of Blakency, county of Northumberland, November 10.
o. Humble Ward, esq. son of sir Wm. Ward, knt. created baron Ward of Birmingham, county of Warwick, March 23.

20 CAROLI, 1644.

o. Henry earl of Kingston, created marquis of Dorchester, March 25.
o. Thomas viscount Saville, in Ireland, created earl of Sussex, May 25.
o. Patrick Ruthen, e. of Forth in Scotland, created e. of Brentford, co. Middlesex, May 27.
o. Francis lord Dunsmore, created earl of Chichester, June 3.
o. Thomas earl of Arundel and Surrey, created earl of Norfolk, June 6.
o. Rd. earl of Cork, in Ireland, created baron Clifford of Londesburgh, co. York, Nov. 4.
o. George lord Goring, created earl of Norwich, November 28.
e. Sir Jn. Colepeper, created baron Colepeper of Thoresway, co. Lincoln, Oct. 21.
e. Sir Jacob Astley, created baron Astley of Reading, county of Berks, November 4.
o. Sir John Brook, created baron Cobham, county of Lincoln, January 3.
o. Sir John Lucas, created baron Lucas of Shenfield, county of Essex, January 3.
o. John Bellasis, created baron Bellasis of Worlaby, county of Lincoln, January 27.
o. Sir Lewis Watson, created baron of Rockingham, county of Northampton, Jan. 29.

21 CAROLI, 1645.

o. Bernard lord Aubigny, created baron Stuart of Newbery, county of Berks, and earl of Litchfield, December 10,
o. Francis ld. Deincourt, created earl of Scarsdale, county of Derby, November 11.
Robert e. of Leinster and visc. Cholmondeley of Kellis in Ireland, created baron Cholmondeley of Wich-Malbank, co. Chester, Sept. 1.
e. Charles Gerrard, created baron Gerrard of Brandon, county of Suffolk, Nov. 8,
o. Robert Sutton, created baron Lexington of Aram, county of Nottingham, Nov. 21.

In April 1646, the king put himself into the hands of the Scots army: after which time we find no more peers created in this reign.

LIST OF THE HOUSE OF COMMONS.*

The List of the House of Commons, as given in all the Collections we have yet met with, appears to have been taken about two years after the opening of the session: the names of many members, originally returned, and who highly distinguished themselves in the subsequent debates, being wholly omitted. For this reason we have endeavoured to extract from the Journals all the several Alterations in that house, whether by advancement to peerage, undue elections, death, or expulsions, from the first meeting of the parliament, Nov. 3, 1640, to the forcible dissolution thereof by Cromwell, in 1653.—During the two first years of this parliament, writs were duly issued for supplying of vacancies: but from that time we meet with very few instances of any till after the Battle of Naseby, in June 1645. Within 12 months next following that event nearly 150 writs were issued, and these chiefly to supply the places of such members as had been disabled in 1642 and 3, for taking part with the king. Where we find the day on which any member was disabled from sitting in parliament, and the cause thereof, particularized in the Journals, they are so expressed; and the dates of their respective decease rest upon the authority of the printed Lists and Diaries of the times: but where the particular day of such decease or disablement is not mentioned, such member is found to be deceased or disabled only by the writ for electing his successor, which in most cases did not issue till some years after such vacancy.—We have also added some Distinctions to point out what party the several members adhered to after the breaking out of the war. By these the reader will see at one view who were the men that were for redressing of Grievances and restraining the Prerogative of the Crown within its just bounds; and who those were that, under that pretence, subverted the constitution, to advance their own ambitious purposes.—These Distinctions are grounded upon the following Authorities:

c. Those who subscribed the Solemn League and Covenant. From the Commons Journals.

o. Such as left the Parliament, and joined the King at Oxford, where they formed the Convention or Anti-Parliament. From their Proceedings, printed there by Leonard Litchfield, with the King's authority.

s. The Members imprisoned or secluded, as well as those that were seized on by the Army, Dec. 6, 1648, after having voted, the day before, 'That the King's Answers to the Propositions of both Houses were a ground for Peace.' From a pamphlet, intitled, 'A Vindication of the imprisoned and secluded Members, printed by M. Spark, and licensed by John Langley, Jan. 20, 1648.'

* Such of the Commissioners appointed for the Trial of the King as did not act at all. From the Ordinance of Parliament.

‖ Commissioners who occasionally attended, but did not sign the Warrant for beheading him. From Phelps's Journal of the High Court of Justice.

‡ Such as signed that Warrant. From the Original.

* Taken from the Parliamentary or Constitutional History of England, vol. ix. p. 12.

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The Members marked thus † are those who were elected in the places of those first returned: but as there are few instances in which we could exactly ascertain the time when these last were elected we have been obliged to content ourselves with extracting, from the Commons Journals, the days when the respective writs were ordered to be issued for such elections. These, compared with the dates of the decease, expulsion, or disablement, will shew, in most instances, how long time each county, city or borough, were deprived of their representatives; and will also help to account for the thinness of the house between the years 1642 and 1645. And as we find several instances of writs being twice, and even thrice, issued for supplying the place of the same member, we suppose this to have been owing to the want of due obedience being given to the first writ by the proper officer, occasioned by the confusion of the times. —Where writs were issued to supply the places of members disabled, and others were chosen in their places, after the breaking out of the War; though the matter amounted in fact to an expulsion, yet, as the Commons Journals, in these instances, make use of the term 'disabled,' we have therefore conformed ourselves to the style and language of those authorities.

To prevent repetition, the letters w. i. stand for writs issued.

BEDFORDSHIRE.

Tho. lord Wentworth, eldest son of Tho. c. of Cleveland, called up to the house of peers, by writ, Nov. 25, 1640, vita patris.

c. s. Sir Oliver Luke, kt.

c. †. Sir Roger Burgoyne, bart.

Bedford T.

c. Sir Beauchamp St. John, knt.

c. s. Sir Samuel Luke, knt. deceased.

†. Rd. Edwards, esq; elected in Nov. 1650.

BERKSHIRE.

c. †. Henry Marten, esq. Aug. 16, 1643, he was disabled from sitting in parliament, and committed prisoner to the Tower by the commons, for reflecting on the king and royal family; but, on the 2nd of Sept. following, discharged without paying any fees; and, upon a rehearing, Jan. 6, 1645, the censure against him was annulled, and ordered to be razed out of the Journal, and he was re-admitted into the house.

c. o. John Fettiplace, esq. disabled Jan. 22, 1643, for deserting the service of the house, being in the king's quarters, and adhering to that party. w. i. June 5, 1646.

†. Sir Francis Pile, bart. deceased. w. i. Feb. 19, 1648. In his place

†. Philip e. of Pembroke and Montgomery,* who took his seat in the commons April 16, 1649, deceased in Feb. 1649.

†. Henry Neville, esq. elected in Feb. 1649.

New-Windsor B.

Sir Thomas Roe, knt. and

Thomas Waller, esq. not duly elected, in their places

c. ‖. †. Cornelius Holland, esq.

†. Wm. Taylor, esq. expelled May 27, 1641, declared incapable of ever being a member, and committed to the Tower, for saying, That the house of commons had committed murder with the sword of justice, in their prosecution of the earl of Strafford.

c. s. Richard Winwood, esq.

Reading B.

c. Sir Fran. Knowles, sen. knt. w. i. May 8, 1618.

Sir Fran. Knowles, jun. knt. deceased. w. i. Sep. 26, 1645.

†. Tanfield Vachel, esq. not duly elected w. i. Nov. 17, 1645, and rechosen.

‡. †. Daniel Blagrave, esq;

Abington B.

c. o. Sir Geo. Stonehouse, bart. disabled Jan. 22, 1643, for deserting the service of the house, being in the king's quarters, and adhering to that party, w. i. Sep. 26, and Jan. 6, 1645.

†. Jn. Ball, esq. deceased. w. i. May 8, 1648.

Wallingford B.

c. Edmund Dunch, esq.

Anth. Barker, esq. their election declared void, but the former rechosen.

o. †. Tho. Howard, esq. disabled Jan. 22, 1643, for the same offence as the last. w. i. Sep. 15, 1646.

s. †. Robert Packer, esq.

BUCKINGHAMSHIRE.

John Hampden, esq. killed at Chalgrave-Field, in an engagement with prince Rupert, in June, 1643. w. i. Oct. 30, 1645.

Arthur Goodwin, esq; died in May 1645. w. i. Oct. 30, 1645.

†. Edmund West, esq.

‡. †. George Fleetwood, esq.

Buckingham T.

c. * Sir Peter Temple, knt. and bart.

c. o. Sir Alex. Denton, knt. disabled Jan. 22, 1643, for deserting the service of the house, being in the king's quarters, and adhering to that party. w. i. April 22, 1646.

†. John Dormer, esq.

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* By the act passed in March, 1648, 'For abolishing the House of Peers,' it was declared, "That such lords as have demeaned themselves with honour, courage, and fidelity to the commonwealth, and their posterity who shall continue so, shall not be excluded from the public councils of the nation; but shall be admitted thereunto, and have their free vote in parliament, if they shall be thereunto elected, as other persons of interest, elected and qualified thereunto, ought to have." In consequence hereof the earl of Pembroke took his seat in the house of commons, on the 16th of April, 1649, as knight of the shire for Berks; as did also, in the same year, W. earl of Salisbury as a burgess for Lynne, and Edw. lord Howard of Escrike, as a citizen for Carlisle. These were the only peers that were elected members of the house of commons.

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Wicombe B.

c. s. Thomas Lane, esq.

Sir Edm. Verney, knight-marshal, killed at the battle of Edge-hill, in Oct. 1642, where he bore the king's standard, w. i. Sep. 25, 1645.

c. †. Maj. Gen. Rd. Brown, disabled, Dec. 4, 1649.

Aylesbury B.

o. Sir Ralph Verney, knt. disabled Sept. 22, 1645. w. i. eod. die.

o. Sir John Packington, bart. disabled Aug. 30, 1642, for executing the commission of array, w. i. eod. die. and Sep. 22, 1645.

‡. †. Thomas Scot, esq.

‡. †. Simon Mayne, esq.

Amersham B.

c. Sir William Drake, knt.

William Cheyne, esq. deceased.

c. s. †. Francis Drake, esq.

Wendover B.

John Hampden, esq. made his election for the county. w. i. Dec. 8, 1640.

o. Sir Rob. Crooke, knt. disabled Nov. 15, 1643, for neglecting the service of the house. w. i. Sep. 25, 1645.

c. †. Tho. Fountaine, esq. deceased w. i. Sept. 15, 1646.

†. Edm. West, esq. made his election for the county, w. i. July 26, 1647.

‡. †. Richard Ingoldesby, esq.*

‡. †. Thomas Harrison, esq.

Marlow B.

Gabriel Hippesley, esq. and

Jn. Borlace, esq. their elections declared void.

c. †. Bulstrode Whitlocke, esq.

c. s. †. Peregrine Hobby, esq.

CAMBRIDGESHIRE.

c. s. Sir Dudley North, knt. and bart.

o. Tho. Chichley, esq. disabled Sept. 16, 1642, w. i. eod. die, and Oct. 15, 1645.

†. Francis Russel, esq.

Cambridge University.

c. s. Henry Lucas, esq.

c. Tho. Eden, LL.D. was deceased in 1644, w. i. Oct. 15, 1645.

†. Nathaniel Bacon, esq.

Cambridge T.

c. ‡. Oliver Cromwell, esq.

c. *. John Lowrye, esq.

CHESHIRE.

* Sir William Brereton, bart.

o. Peter Venables, esq. disabled Jan. 22, 1643, for deserting the service of the parliament, being in the king's quarters, and adhering to that party.

†. George Booth, esq. elected in consequence of an order of May 1, 1646.

* This gentleman, though he signed the Warrant, never attended the Trial. The curious may compare lord Clarendon's Account of the manner of Cromwell's forcing him to sign it with his subscription to the same, engraved from the original at the expence of the Society of Antiquaries.

Chester C.

o. Thomas Smith esq. and

o. Francis Gamul esq. both disabled Jan. 22, 1643, for the same offence as the last.

s. †. William Edwards, esq.

†. John Radcliff, esq.

CORNWALL.

Sir Alex. Carew, knt. disabled Sep 4, 1643, for a treacherous intention to deliver up Plymouth to the king, with the government whereof he had been intrusted by the parliament. For this offence he was beheaded in Jan. following, w. i. July 23, 1646.

Sir Bevill Greenville, knt. disabled Sep. 19, 1642, for publishing the king's Proclamation concerning the Militia, at Launceston assizes. He was killed at Lansdown fight, in July 1643, w. i. July 23, 1646.

†. Hugh Boscawen, esq.

†. Nicholas Trefusis, esq.

Dunchevit, alias Launceston B.

Wm. Coryton, esq. not duly elected, w. i. Aug. 18, 1641.

o. Ambrose Manaton, esq. disabled Jan. 22. 1643, for deserting the service of the house, being in the king's quarters, and adhering to that party, w. i. Aug. 12, 1646.

s. †. Thomas Gawen, esq.

s. †. John Harris, esq.

Leskard B.

c. o. John Harris, esq. and

o. Joseph Jane, esq. both disabled Jan. 22, 1643, for the same offence as the last, and w. i. Feb. 9, 1646.

†. George Kekewich, esq.

s. †. Thomas Povey, esq.

Lestwithiel B.

o. John Trevanion, esq. disabled. Killed at the siege of Bristol. w. i. Dec. 8, 1646.

o. Richard Arundell, esq. disabled Jan. 22, 1643, for deserting the service of the house, being in the king's quarters and adhering to that party. w. i. Dec. 8, 1646.

†. Sir J. Maynard, k. b. disabled Sep. 7, 1647, and committed to the Tower, on account of a charge brought against him by sir Tho. Fairfax and the army, the 16th of June foregoing: but this order was revoked by another of the 8th of June, 1648.*

s. †. Francis Holles, esq.

Truro B.

c. John Rolle, esq.

* On the 20th of July, 1647, this gentleman, with maj. Gen. Massey, John Glynne, esq; recorder of London, Col. Edw. Harley, Anthony Nicoll, esq. Denzil Hollis, esq. sir Philip Stapylton, sir Wm. Lewis, sir John Clotworthy, sir Wm. Waller, and Walter Long, esq. who were under the same accusation, having obtained leave from the house to absent themselves for six months, on condition of returning within that time, the six last of them accordingly embarked for France in August following, and the others retired into the country while their cause was depending before the house.

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c. Francis Rowse, esq.

Bodmyn B.

o. John Arundell, esq. disabled Jan. 22, 1643, for deserting the service of the house, being in the king's quarters, and adhering to that party, w. i. Dec. 6, 1646, and March 2, 1647.

c. Anth. Nicoll, esq. disabled Jan. 27, 1647, on account of a charge brought against him by sir Tho. Fairfax and the army: but this order was revoked by another of the 8th of June 1648.*

s. †. Thomas Waller, esq.

Helston B.

o. Fran. Godolphin, esq. disabled Jan. 22, 1643, for deserting the service of the house, being in the king's quarters and adhering to that party, w. i. Dec. 21, 1646.

Sidney Godolphin, esq. killed, on the king's part, at the taking of Saltash in 1642, w. i. Dec. 21, 1646.

†. John Penrose, esq.

s. †. John Thomas, esq.

Saltash B.

c. George Buller, esq. deceased, w. i. Aug. 12, 1646.

o. Edw. Hyde, esq. disabled, Aug. 11, 1642, w. i. eod. die, and Aug. 12, 1646.

c. s. †. Thomas Thynn, esq.

†. Henry Willes, esq.

Camelford B.

o. Piers Edgcumbe, esq. and

c. o. Wm. Glanville, esq. both disabled Jan. 22, 1643, for deserting the service of the house, being in the king's quarters, and adhering to that party, w. i. Dec. 21, 1646, and April 14, 1647.

‡. †. William Say, esq.

‡. †. Gregory Clement, esq. disabled May 11, 1652, his carriage being offensive and scandalous to the parliament.

Grampound B.

Sir John Trevor, knt.

c. s. James Campbell, esq.

Eastlow B.

s. Francis Buller, esq.

Thomas Lower, esq. disabled Jan. 22, 1643, for deserting the service of the house, being in the king's quarters, and adhering to that party, w. i. Dec. 21, 1646.

†. John Moyle, esq.

Westlow B.

o. Henry Killegrew, esq. disabled Jan. 22, 1643, for the same offence as the last, w. i. Dec. 21, 1646.

o. Thomas Arundell, esq. deceased, w. i. Nov. 18, 1648.

†. John Arundell, esq.

†. Thomas Arundell, esq.

Penryn B.

Sir John Bampfield, bart.

Sir Nich. Slanning, knt. disabled Aug. 9, 1642, for publishing the king's Proclamation relating to the Militia, &c. at Launceston assizes. Killed at the siege of Bristol, w. i. May 11, 1647.

Tregony B.

o. Sir Richard Vivian, knt. and

o. John Polewhoel, esq. both disabled Jan. 22, 1643, for deserting the service of the house, being in the king's quarters, and adhering to that party, w. i. Nov. 11, 1646.

s. †. Sir Thomas Trevor, knt.

‡. †. John Carew, esq.

Bossiney B.

c. Sir Christopher Yelverton, knt.

Sir John Clotworthy, bart. made his election for Malden.

o. †. Sir Ralph Siddenham, knt. disabled Sep. 29, 1642, w. i. Feb. 9, 1646.

s. †. Lionel Copley, esq. disabled Sep. 9, 1647, and committed to the Tower, for complying with the proceedings of the members in the absence of the Speaker; but this order was revoked June 8, 1648.

St. Ives B.

Philip Lord Lisle, made his election for Yarmouth in the Isle of Wight.

o. Francis Godolphin, esq. disabled.

†. Edmund Waller, esq. disabled July 14, 1643, for being concerned in a plot, particularly mentioned in vol. xii. w. i. Feb. 9, 1646.

†. John Fielder, esq.

†. Henry Rainsford, esq.

Fowey B.

o. Jonathan Rashleigh, esq. disabled Jan. 22, 1643, for deserting the service of the house, being in the king's quarters, and adhering to that party, w. i. Dec. 21, 1646.

Sir Rd. Buller, knt. dec. w. i. Dec. 21, 1646.

†. John Upton, esq.

†. Nich. Gold, esq. deceased, w. i. June 14, 1648.

St. Germains B.

c. Benjamin Valentine esq.

c. John Moyle, jun. esq. deceased, w. i. Nov. 11, 1646.

Michel B.

c. s. Edward lord Clinton, eldest son of Theophilus earl of Lincoln.

o. John Arundell, esq. made his election for Bodmyn.

o. †. Robert Holborn, esq. disabled, Aug. 11, 1642, w. i. eod. die.

o. †. Wm. Chadwell, esq. disabled Jan. 22, 1643, for deserting the service of the house, being in the king's quarters, and adhering to that party.

†. Charles lord viscount Rochester, eldest son of Robert earl of Somerset.

Newport B.

John Maynard, esq. made his election for Totness, w. i. Dec. 8, 1640, and Feb. 9, 1646.

o. Richard Edgcumbe, esq. disabled, w. i. February 9, 1646.

†. Sir Philip Percival, knt. and

* The Proceedings of Jan. 27 and 29, 1647, against this gentleman, and the rest under the same charge, commonly called The Case of the Eleven Members, are erased; against which is written in the margin, 'obliterated by order of March 2, 1659.'

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†. Nicholas Leech, esq. both deceased in 1647, w. i. March 1, 1647.

St. Mawes B.

c. Richard Erisy, esq.

o. George Parry, LL.D. disabled Jan. 22, 1643, for deserting the service of the house, being in the king's quarters, and adhering to that party, w. i. Feb. 9, 1646.

s. †. William Priestley, esq.

Kellington B.

o. George Vane, esq. disabled, and

Sir Arthur Ingram, knight, deceased, w. i. September 4, 1646.

†. Thomas Dacres, esq.

†. Carew Raleigh, esq.

CUMBERLAND.

o. Sir George Dalston, knt. and

o. Sir Patricius Curwen, bart. both disabled March 15, 1643, for putting the Commission of Array in execution, w. i. Sept. 25, 1645.

†. William Armyn, esq.

†. Richard Tolson, esq.

Carlisle C.

o. Sir Wm. Dalston, knt. and bart. disabled Jan. 22, 1643, for deserting the service of the house, being in the king's quarters, and adhering to that party, w. i. Sept. 25, 1645.

c. Richard Barwis, esq. deceased, w. i. April 12, 1648.

†. Thomas Cholmley, esq.

†. Edw. lord Howard of Escricke, took his seat in the house of commons May 5, 1649; but, June 25, 1651, disabled to sit in parliament, and from bearing any office of trust; also fined 10,000*l.* and committed to the Tower during the pleasure of the parliament, for being guilty of bribery: but this fine was annulled by vote, April 5, 1653.

Cockermouth B.*

c. Sir John Hippesley, knt.

Sir John Fenwick, knt. made his election for Northumberland, w. i. Feb. 5, 1641.

†. Sir Thos. Stamford, not duly elected.

‖. †. Francis Allen, Esq.

DERBYSHIRE.

c. s. Sir John Curzon, bart.

c. Sir John Coke, knt.

Derby T.

o. William Allestree, esq. recorder, and

Nathaniel Hallows, alderman. Their election declared void, but rechosen. The former disabled by vote, w. i. Sept. 1, and 23, 1645, the mayor having neglected to obey the 1st writ.

s. †. Thomas Gell, esq.

DEVONSHIRE.

— Wise, esq. deceased, w. i. Mar. 20, 1640.

o. Edward Seymour, esq. disabled Jan. 16, 1643, for appearing in arms against the parliament, w. i. May 7, 1646.

†. Sir Samuel Rolle, knt. deceased, w. i. March 28, 1648.

s. †. Sir Nicholas Martin, knt.

Exeter C.

c. s. Simon Snow, esq.

o. Robert Walker, esq. disabled March 6, 1642, for not appearing on divers summons of the house, w. i. Nov. 11, 1646.

†. Samuel Clark, esq.

Totness B.

c. Oliver St. John, esq. appointed his majesty's solicitor in January 1640.

c. John Maynard, esq.

Plymouth B.

c. Sir John Young, knt.

s. John Whaddon, esq.

Barnstaple B.

c. Geo. Peard, esq. dec. w. i. May 13, 1646.

o. Richard Ferrers, esq. his election declared void, but rechosen, and afterwards disabled, w. i. May 13, 1646.

*. †. Philip Skippon, esq.

s. †. John Dodderidge, esq.

Plimpton B.

Michael Oldsworth, esq. made his election for Salisbury.

Sir Nicholas Slanning made his election for Penryn, w. i. February 9, 1645.

o. †. Hugh Potter, esq. disabled.

o. †. Sir Thomas Hele, knt. disabled, w. i. November 11, 1646.

†. Sir Richard Strode, knt.

†. Christopher Martin, gent.

Tavistoke B.

Wm. lord Russell, eldest son of Francis e. of Bedford, called up to the house of peers, May 22, 1641, on the decease of his father.

c. John Pym, esq. deceased in Dec. 1643, w. i. July 8, 1646.

o. †. John Russel, Esq. disabled Jan. 22, 1643, for deserting the service of the house, being in the king's quarters, and adhering to that party, w. i. July 8, 1646.

†. Edmund Fowell, esq.

†. Elizeus Crynes, esq.

Clifton, Dartmouth, Hardness B.

c. Samuel Brown, esq.

Arthur Upton, esq. deceased in Oct. 1641.

o. †. Roger Matthews, esq. disabled Feb. 5, 1643, for deserting the service of the house, being in the king's quarters, and adhering to that party, w. i. Feb. 9, 1645.

*. †. Thomas Boone, esq.

Beralstone B.

Sir Thomas Chceke, knt. made his election for Harwich.

Sir Hugh Pollard, kt. expelled Dec. 9, 1641, for being concerned in a plot to bring up the king's army in the North to over-awe the parliament, w. i. eod. die.

c. †. Wm. Strode, esq. dec. in Sept. 1645, w. i. Feb. 17, cod. anno.

s. †. Charles Pym, esq.

†. Sir Francis Drake, bart.

Tiverton B.

o. Peter St. Hill, esq. disabled Jan. 22, 1643, for deserting the service of the house, being in the king's quarters, and adhering to that party, w. i. Oct. 5, 1646.

o. Geo. Hartnoll, esq. disab. w. i. Oct. 5, 1646.

* On the 15th of Feb. 1640, the Commons resolved that this borough should be restored to its antient privileges of sending burgesses to parliament,—Commons' Journals.

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†. John Elford, esq.
†. Robert Shapcot, esq.

Ashburton B.*

c. Sir Edmond Fowel, knt.
Sir John Northcote, knt. and bart.

Honiton B.

Walter Young, esq.
Sir William Pole, knt. disabled June 24, 1643, for being in actual war against the parliament, w. i. Nov. 29, 1645.
s. †. Charles Vaughan, esq.

Okehampton B.†

c. Lawrence Whitacre, esq.
c. s. Edward Thomas, esq.

DORSETSHIRE.

George lord Digby, eldest son of John earl of Bristol, called up to the house of peers, by writ, June 10, 1641, vitâ patris, w. i. eod. die.
Rd. Rogers, esq. disabled Sept. 12, 1642, for sending forces into Sherborne castle, w. i. Oct. 11, 1645.
c. ‖. †. John Browne, esq.
†. Sir Thomas Trenchard, Knt.

Poole T.

John Pyne, esq.
o. Wm. Constantine, esq. disabled Sept. 4, 1643, for being in arms against the parliament, and endeavouring to betray and deliver up the town of Pool, w. i. Sept 25, 1645.
s. †. George Skutt, esq.

Dorchester B.

c. Denzil Hollis, esq. disabled Jan. 27, 1647, on account of a charge brought against him by sir Thomas Fairfax and the army: but this order was revoked by another of the 8th of June 1648.‡
c. *. Dennis Bond, esq.

Lyme-Regis B.

c. Edmund Prideaux, esq.
c. Richard Rose, esq.

Weymouth B.

c. s. Sir Walter Erle, knt.
o. Sir John Strangwayes, knt. disabled Sept. 6, 1642, for neglecting the service of parliament, w. i. September 25, 1645.
s. †. Matthew Allen, gent.

Melcomb-Regis B.

o. Sir Gerrard Napier, knt. disabled Jan. 22, 1643, for deserting the service of the house, being in the king's quarters, and adhering to that party, w. i. Sept. 25, 1645.
o. Rd. King, esq. disabled Feb. 27, 1642, w. i. Sept. 25, 1645.
†. William Sydenham, jun. esq.
†. John Bond, LL.D.

Bridport B.

Sir Lewis Dive, knt. disabled.
o. Giles Strangwayes, esq. disabled Jan. 22, 1643, for deserting the service of the house, being in the king's quarters, and adhering to that party, w. i. Sept. 25, 1645.
c. *. †. Roger Hill, Esq.
†. Thomas Celye, Esq.

Shaftsbury B.

o. Samuel Turner, M.D. disabled Jan. 22, 1643, for deserting the service of the house, being in the king's quarters, and adhering to that party, w. i. September 25, 1645.
c. William Whitaker, esq. deceased, w. i. October 7, 1646.
†. Col. —— Starre, dec. w. i. Oct. 15, 1647.
‖. †. John Frye, esq. suspended for writing a Book against the Trinity; but, upon his declaring that he abominated the opinions charged upon him, re-admitted Feb. 3, 1648; but disabled Feb. 24, 1650, for the same kind of offence.
†. John Bingham, esq.

Wareham B.

c. *. John Trenchard, Esq.
c. s. Thomas Erle, esq.

Corfe-Castle B.

Sir Francis Windebank, knt. sec. of state, fled out of the kingdom.
o. John Borlace, esq. disabled March 4, 1643, for neglecting the service of the house, and adhering to the adverse party, w. i. September 25, 1645.
c. s. †. Giles Green, esq.
†. Francis Chettle, esq.

ESSEX.

o. Robert lord Rich, eldest son of Robert e. of Warwick, called up to the house of peers by writ, Jan. 27, 1640, vitâ patris, w. i. eod. die.
s. Sir Martin Lumley, knt. and bart.
c. *. †. Sir William Masham, bart.

Colchester B.

c. s. Harbottle Grimstone, esq.
c. Sir Thomas Barrington, kt. and bart. was deceased in 1644, w. i. Sept. 25, 1645.
†. John Sayer, esq.

Malden B.

c. ‖. Sir Henry Mildmay, knt.
c. s. Sir John Clotworthy, knt. disabled Jan. 27, 1647, on account of a Charge brought against him by sir Thomas Fairfax and the army: but this order was revoked by another of the 8th of June, 1648.

Harwich B.

c. Sir Thomas Cheeke, knt.
c. Sir Harbottle Grimstone, knt. and bart. deceased, w. i. March 16, 1647.
s. †. Capel Luckyn, esq.

GLOUCESTERSHIRE.

c. Nathaniel Stephens. esq.
o. John Dutton, esq. disabled,

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* Upon a Report from the Committee of Privileges, Nov. 26, 1640, the Commons resolved, "That the towns of Ashburton and Honiton ought to be restored to their antient rights and privileges of sending burgesses to parliament, and that writs should issue accordingly".—Commons' Journals.

† This town had sent no members since 7 Edw. II. but was restored to its antient right in the beginning of this parliament.—Willis's Notitia Parliamentaria.

‡ While this charge was depending, Mr Hollis, having obtained leave of the house to go abroad, retired into Normandy, where he resided several years, and wrote his memoirs. See the Note under sir John Maynard, p. 602.

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s. †. Sir John Seymor, knt.

Gloucester C.

Thomas Pury, alderman.

c. o. Henry Brett, esq. disabled, w. i. Oct. 25, 1645.

*. †. John Lenthall, esq.

Cirencester B.

o. Sir Theob. Gorges, knt. disabled Jan. 22, 1643, for deserting the service of the house, being in the king's quarters, and adhering to that party.

o. John George, esq. disabled.

†. Sir Thomas Fairfax, knt. and

†. Nat. Rich, esq. both elected in Feb. 1648.

Tewkesbury B.

Sir Robert Cook, knt.

Sir Edward Alford, knt.

John Craven, esq. (created baron Craven of Ryton. co. Salop, March 21, 1642.)

Edw. Stephens, esq. double return, and the election declared void, Aug. 6, 1641, and a new writ issued, whereupon were re-chosen,

Sir Robert Cooke, knt. deceased, w. i. September 1, 1645.

Sir Edw. Alford, knt. His second election declared void, and

s. †. Edward Stephens, esq. declared duly elected, Dec. 25, 1643, deceased.

† John Stephens, esq.

HEREFORDSHIRE.

c. s. Sir Robert Harley, knight of the Bath.

Fitz-Williams Coningsby, esq. expelled Oct. 30, 1641, for being a monopolist, w. i. eod. die.

o. † Humphry Coningsby, esq. disabled, w. i. September 11, 1646.

s. † Edw. Harley, esq. disabled Jan. 29, 1647, on account of a Charge brought against him by sir Thos. Fairfax and the army: but this order was revoked by another of the 8th of June 1648.

Hereford C.

Richard Weaver, esq. deceased in May 1642.

o. Richard Seabourne, esq. disabled Jan. 3, 1645, and w. i. Sept. 11, 1646.

o. †. James Scudamore, esq. disabled, w. i. September 11, 1646.

†. Edmund Weaver, esq.

†. Bennet Hoskins, esq.

Weobly B.*

c. o. Arthur Jones, lord visc. Ranelagh, in Ireland, disabled, w. i. Sept. 11, 1646.

o. †. Thomas Tomkins, esq. disabled Jan. 22, 1643, for deserting the service of the house, being in the king's quarters, and adhering to that party, w. i. Sept. 11, 1646.

†. Robert Andrews, esq.

†. William Crowther, esq.

Leominster B.

o. Walter Kirle, esq.

o. Samuel Eure, serjeant at law, disabled Jan. 22, 1643, for deserting the service of the house, being in the king's quarters, and adhering to that party, w. i. Sept. 11, 1646.

s. †. John Birch, esq.

HERTFORDSHIRE.

c. s. Sir William Litton, knt.

Arthur Capel, esq. created lord Capel, Aug. 6, 1641, w. i. die prox. in his place.

c. s. †. Sir Thomas Dacres, knt.

St. Albans B.

c. s. Edward Wingate, esq.

Sir John Jennings, knt. deceased in August, 1642. In his place

c. s. †. Richard Jennings, esq.

Hertford T.

c. Charles viscount Cranburn, eldest son of William earl of Salisbury.

o. Sir Tho. Fanshaw, kt. of the Bath, disabled Nov. 25, 1643, w. i. Sept. 3, 1645.

†. William Leman, esq.

HUNTINGDONSHIRE.

Sir Sidney Montague, knt. disabled Dec. 3, 1642, and committed prisoner to the Tower, for refusing his consent to the Vote for adhering to the earl of Essex, w. i. September 23, 1645.

‡. Valentine Wauton, esq.

†. Edward Montague, esq.

Huntingdon T.

c. *. Abraham Burrel, esq.

c. Edward Montague, esq. called by writ to the house of peers on the decease of his father, Edw. lord Montague of Boughton in June 1644, w. i. Sept. 3, 1645.

s. †. Thomas Temple, esq.

KENT.

Sir Edward Deering, bart. disabled Feb. 2, 1641, for printing his speeches in parliament, w. i. eod. die.

o. Sir John Colepeper, knt. disabled Jan. 22, 1643, for deserting the service of the house, being in the king's quarters, and adhering to that party, w. i. Sept. 12, 1645. Created baron Colepeper of Thorseway Oct 21, 1644.

c. *. †. Augustine Skinner, esq.

†. John Boys, esq.

Canterbury C.

Sir Edward Masters, knt. deceased, w. i. November 18, 1648.

c. *. John Nutt, esq.

Rochester C.

c. Richard Lee, esq.

Sir Thomas Walsingham, knt.

Maidstone B.

s. Sir Humphrey Tufton, knt.

c. Sir Francis Barnham, knt. deceased, w. i. November 11, 1646.

†. Thomas Twisden, esq.

Queenborough B.

Sir Edward Hales, knt. and bart. disabled, w. i. May 10, 1648.

William Harrison, esq. disabled June 24, 1643, for being in actual war against the parliament, w. i. Sept. 1, 1645.

‡. †. Sir Michael Livesey, bart.

‡. †. Augustine Garland, esq.

LANCASHIRE.

c. Sir Ralph Ashton, bart.

Roger Kirkby, esq. disabled Aug. 29, 1642, w. i. December 30, 1645.

* This town had discontinued sending members since the reign of Edward I. but was restored 1640, 15 Car. I.—Willis's Notitia Parliamentaria.

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†. Sir Richard Houghton, bart.

Lancaster T.

c. o. Sir John Harrison, knt. disabled Sept. 4, 1643, for being in arms against the parliament, w. i. October 14, 1645.

o. Sir Thos. Fanshaw, knt. disabled Sept. 7, 1642, for neglecting the service of the house, and not appearing on summons, w. i. Oct. 14, 1645.

†. Sir Robert Bendlows, knt.

†. Thomas Fell, esq.

Preston B.

c. Richard Shuttleworth, esq.

Thomas Standish, esq. was deceased in 1644, w. i. Oct. 14, 1645.

†. William Langton, esq.

Newton B.

c. William Ashurst, esq.

Peter Legh, esq. deceased, w. i. Feb. 5, 1641.

o. †. Sir Roger Palmer, knt. disabled Jan. 22, 1643, for deserting the service of the house, being in the king's quarters, and adhering to that party, w. i. Dec. 30, 1645.

s. †. Peter Brooke, esq.

Wigan B.

*. Alexander Rigby, esq.

o. Orlando Bridgeman, esq. disabled August 29, 1642, for assisting lord Strange at Chester against the parliament, w. i. Dec. 30, 1645.

s. †. John Holcroste, esq.

Clithero B.

s. Ralph Ashton, esq.

Richard Shuttleworth, esq.

Leverpool B.

c. ‡. John Moore, esq.

Sir Richard Wynn, knt. and bart. deceased, w. i. August 28, 1649.

†. Thomas Birch, esq. elected in Oct. 1640.

LEICESTERSHIRE

Henry De Grey, commonly stiled lord Ruthen, removed to the house of peers on the decease of his father, Anthony earl of Kent, in 1643, w. i. Oct. 30, 1645.

c. *. Sir Arthur Haselrigg, bart.

‡. †. Henry Smyth, esq.

Leicester T.

c. ‡. Thomas lord Grey of Grooby, eldest son of Henry earl of Stamford.

o. Thomas Cook, esq. disabled January 22, 1643, for deserting the service of the house, being in the king's quarters, and adhering to that party, w. i. Sept. 30, 1645.

‡. †. Peter Temple, esq.

LINCOLNSHIRE.

c. Sir John Wray, knt. and bart.

s. Sir Edward Ayscough, knt.

Lincoln C.

c. Thomas Grantham, esq.

John Broxholme, esq. deceased, w. i. March 15, 1646.

‖. †. Thomas Lister, esq.

Boston T.

c. s. Sir Anthony Irby, knt.

c. s. William Ellis, esq.

Great Grimsby B.

c. Sir Christopher Wray, knt. deceased, w. i. February 17, 1645.

o. Gervase Holles, esq. suspended April 26, 1641, for reflecting upon the house in relation to the Scots propositions; re-admitted to his seat the 2nd of December following, but disabled August 22, 1642, w. i. eod. die, and September 12, 1645.

†. William Wray, esq.

†. Edward Rossiter, esq.

Stamford B.

c. Thomas Hatcher, esq.

o. Geoffrey Palmer, esq. disabled Sept. 7, 1642, for not appearing on summons, w. i. September 12, 1645.

*. †. John Weaver, esq.

Grantham B.

c. *. Sir William Armyn, bart.

o. s. Henry Pelham, esq.

MIDDLESEX.

c. s. Sir Gilbert Gerrard, bart.

c. Sir John Franklyn, knt. deceased, w. i. April 12, 1648.

Westminster C.

c. John Glynne, esq. disabled Sept. 7, 1647, and committed to the Tower, on account of a Charge brought against him by Sir Thos. Fairfax and the army; but this order was revoked by another of the 7th of June, 1648.

c. William Bell, gent.

London C.

Matthew Cradock, esq. deceased in 1640.

c. s. Sir Thomas Soame, knt.

c. ‖. Isaac Pennington, esq.

c. s. Samuel Vassal, merchant.

c. ‡. †. John Venn, esq.

MONMOUTHSHIRE.

Sir Charles Williams deceased, w. i. March 19, 1641.

o. Wm. Herbert, esq. disabled Feb. 5, 1643, for deserting the service of the house, being in the king's quarters, and adhering to that party, w. i. Sept. 11, 1646.

†. John Herbert, esq.

†. Henry Herbert, esq.

Monmouth T.

Thomas Trevor, esq.

o. Wm. Watkins, esq. Their election declared void, Nov. 29, 1644. The latter rechose, but disabled, w. i. for one in his place, Nov. 18, 1646.

†. Thomas Pury, jun. esq.

NORFOLK.

c. Sir John Potts, knt. and bart. deceased.

Sir Edward Mountford, knt. was deceased in 1644, w. i. Dec. 3, 1645.

c. †. Sir John Hobart, bart. deceased, w. i. April 29, and May 27, 1647.

s. †. Sir John Palgrave, knt. and bart.

Norwich C.

c. Richard Harman, esq. deceased, w. i. December 7, 1646.

o. Richard Catelyn, esq. disabled Jan. 22, 1643, for deserting the service of the house, being in the king's quarters, and adhering to that party, w. i. Sept. 30, 1645.

†. Erasmus Earle, esq.

*. †. Thomas Atkins, esq.

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Lynne-Regis T.

Thomas Toll, gent.

John Percival, gent. was deceased in 1644, w. i. Jan. 1, 1645.

†. Edm. Hudson, esq. disabled July 5, 1647, for assisting in the rising in this town, w. i. eod. die, and June 22, 1649.

†. Wm. Earl of Salisbury, elected in 1649.

Yarmouth T.

c. ‡. Miles Corbet, esq.

c. Edward Gwyer, esq.

Thetford B.

c. Sir Thomas Woodhouse, knt. and bart.

c. s. Framlingham Gawdy, esq.

Castle-Rising B.

c. Sir John Holland, bart.

Sir Christ. Hatton, knt. made his election, for Higham-Ferrers.

o. †. Sir Rob. Hatton, knt. disabled Sep 7, 1642, for executing the commission of array, after it was declared illegal, and for not appearing on summons, w. i. Oct. 29, 1645.

s. †. John Spelman, esq.

NORTHAMPTONSHIRE.

c. ||. Sir Gilbert Pickering, bart.

c. Sir John Dryden, bart.

Peterborough C.

c. s. Wm. Fitz-Williams, esq. eldest son of Wm. lord vis. Fitz-Williams, in Ireland. In this title he succeeded his father, Jan. 6, 1643.

s. Sir Robert Napier, knt. and bart.

Northampton T.

c. Zouche Tate, esq.

c. s. Richard Knightley, esq.

Brackley B.

c. s. John Crew, esq.

c. s. Sir Martin Lister, knt.

Higham-Ferrers B.

Sir Christ. Hatton, knt. disabled Sept. 7, 1642, for executing the commission of array, after it was declared illegal, and for not appearing on summons: w. i. Sept. 17, 1645. Created Baron Hatton of Kirby, July 29, 1643.

†. Edward Harvey, esq.

NORTHUMBERLAND.

Hen. Piercy, esq. brother to the e. of Northumberland, expelled, Dec. 9, 1641, for being concerned in a plot to bring up the king's army in the North, to over-awe the parliament, w. i. eod die. Created baron Piercy of Alnwick, June 28, 1643.

Sir Wm. Widdrington, bart. disabled Aug. 26, 1642, for refusing to attend the service of the house, and raising arms against the parliament, w. i. Sept. 25, 1645. Created baron Widdrington of Blackeny, Nov. 10, 1643, and killed at the battle of Worcester.

o. †. Sir John Fenwick, knt. disabled Jan. 22, 1643, for deserting the service of the house, being in the king's quarters, and adhering to that party: but this order for his being disabled was vacated by another order of the 26th of June 1646.

†. William Fenwick, esq.

Newcastle-upon-Tyne T.

Sir John Melton, deceased, w. i. Dec. 17, 1640.

c. Sir Henry Anderson, knt. disabled Sept. 4, 1643, for deserting the service of the house, and repairing to the army against the parliament, w. i. Sept. 3, 1645.

c. ‡. †. John Blackiston, esq.

†. —— Warnouth, esq. his election declared void July 23, 1647, w. i. eod. die.

†. Robert Ellison, esq.

Berwick T.

Sir Edw. Osborne, knt. His election declared void Dec. 7, 1640, w. i. eod die.

c. Sir Thomas Widdrington, knt.

c. †. Robert Scawen, esq.

Morpeth B.

o. John Fenwick, esq. disabled Jan. 22, 1643, for deserting the service of the house, being in the king's quarters, and adhering to that party, w. i. Sept. 12, 1645.

o. Sir Wm. Carnaby, knt. disabled Aug. 26, 1642, for refusing to attend the service of the house, and raising arms against the parliament, w. i. Sept. 12, 1645.

†. John Fiennes, esq. third son of Wm. lord visc. Say and Sele.

†. George Fenwick, esq.

NOTTINGHAMSHIRE.

c. Sir Tho. Hutchinson, knt. was dead in 1644, w. i. Feb. 10, 1645.

o. Robert Sutton, esq. disabled, w. i. Feb. 10, 1645. Created baron Lexington of Aram, Nov. 21, 1645.

‡. †. John Hutchinson, esq.

†. Gervase Pigot, esq.

Nottingham T.

o. Wm. Stanhope, esq. disabled, w. i. Nov. 12, 1645.

Fran. Pierrepoint, esq. third son of Robert e. of Kingston.

c. ‡. †. Gilbert Millington, esq.

East-Retford B.

o. Sir Gervase Clifton, knt. and bart. disabled, w. i. January 1, 1645.

o. Ch. visc. Mansfield, eldest son of Wm. earl of Newcastle, disabled Jan. 22, 1643, for deserting the service of the house, being in the king's quarters, and adhering to that party, w. i. Jan. 1, 1645.

s. †. Sir William Lister, knt.

†. Francis Thornhaugh, esq. deceased, w. i. Nov. 18, 1648.

†. —— Nevil, esq. elected in May 1649.

OXFORDSHIRE.

c. s. Tho. Wenman lord visc. Wenman, in Ireland.

c. James Fiennes, esq. eldest son of Wm. lord visc. Say and Sele.

Oxford University.

o. Sir Tho. Roe, knt. was deceased in 1644, w. i. Nov. 18, 1646.

c. John Selden, esq.

Oxford C.

Ch. lord visc. Andover, eldest son of Tho. earl of Berkshire, called up to the house of peers by writ, Nov. 18, 1640, vitâ patris.

o. John Whistler, esq. and

o. †. John Smith, esq. both disabled, w. i. Nov. 18, 1646.

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†. John Doyley, esq.
†. John Nixon, Alderman.

Woodstock B.

Wm. Herbert, esq. made his election for Monmouthshire.
c. William Lenthall, esq. Speaker.
c. s. †. Sir Robert Pye, knt.

Banbury B.

c. s. Nath, Fiennes, esq. 2nd son of Wm. lord visc. Say and Sele.

RUTLANDSHIRE.

o. Hon. Baptist Noel, eldest son of Edw. lord visc. Cambden, disabled, w. i. September 30, 1645.
c. o. Sir Guy Palmes, knt. disabled Sept. 28, 1643 for neglecting the service of the commonwealth, and not attending the house, w. i. Sept. 30, 1645.
‖. †. Sir James Harrington, knt.
‡. †. Thomas Wayte, esq.

SHROPSHIRE.

Sir Rd. Newport knt. disabled; but created a baron, Oct. 14, 1642.
o. Sir Richard Lee, bart. disabled Sept. 6, 1642, for executing the commission of array, after it was declared illegal, and not appearing on summons, w. i. June 5. 1646.
c. s. †. Sir John Corbet, bart.
‡. †. Humphrey Edwards, esq.

Shrewsbury T.

o. Francis Newport, esq. disabled Jan. 22, 1643, for deserting the service of the house, being in the king's quarters, and adhering to that party, w. i. Sept. 12, 1645.
o. Wm. Spurstow, merchant, deceased, w. i. Jan. 19, 1645.
†. Thomas Hunt, esq.
†. William Masham, esq.

Bridgnorth B.

o. Sir Tho. Whitmore, knt. disabled Feb. 5, 1643, for deserting the service of the house, being in the king's quarters, and adhering to that party, w. i. May 13, 1646.
o. Sir Edw. Acton, knt. disabled Feb. 5, 1643, for the same offence as the last, w. i. May 13, 1646.
†. Robert Clive, esq.
†. Robert Charlton. esq.

Ludlow B.

o. Ch. Baldwin, esq. disabled Feb. 5, 1643, for the same offence as the last, w. i. July 23, 1646.
o. Ralph Goodwin, esq. secretary to prince Rupert, disabled Feb. 5, 1643, for the same offence as the last, w. i. July 23, 1646.
†. Thomas Mackworth, esq.
†. Thomas Moor, esq.

Great Wenlock B.

c. Wm. Pierrepoint, esq. second son of Robert earl of Kingston.
o. Tho. Littleton, esq. disabled Feb. 5, 1643, for the same offence as the last, w. i. May 13, 1646.
†. Sir Humphrey Briggs, knt.

Bishops-Castle T.

o. Sir Rob. Howard, k. b. disabled Sept. 6, 1642, for executing the commission of array, after it was declared illegal, and for not appearing on summons, w. i. Nov. 12, 1645.
c. Rd. Moor, esq. was dead in 1644, w. i. Nov. 12, 1645.
†. Isaiah Thomas, esq.
‖. †. John Corbet, esq.

SOMERSETSHIRE.

o. Sir John Paulet, knt. and
o. Sir John Stawell, k. b. both disabled Aug. 8, 1642, w. i. eod. die, and Oct 25, 1645.
s. †. George Horner esq. and
†. John Harrington, esq. their election declared void, and w. i. June 5, 1646.

Bristol C.

Humphrey Hooke, esq. and
Rd. Long, esq. both declared not duly elected on account of their being within the Resolution of the house against Monopolists, after 2 years sitting. In their places
‡. John Glanville, serjeant at law, Speaker of the last Parliament, which met the 13th of April, 1640, and
†. William Taylor, esq. disabled by vote, Sept. 25, 1645, and w. i. eod die.
‡. Richard Aldworth, esq.
†. Luke Hodges, esq. deceased.
s. †. William Prynne, esq.

Bath C.

c. o. Wm. Basset, esq. disabled Feb. 5, 1643, for deserting the service of the house, being in the king's quarters, and adhering to that party, w. i. Sept. 25, 1645.
c. Alexander Popham esq.
†. James Ash, esq.

Wells C.

Sir R. Hopton, k. b. disabled Aug. 5, 1642, for executing the Commission of Array, w. i. eod. die, and Sept. 25, 1645. Created baron Hopton of Stratton, Sept. 4, 1642.
o. Sir Edward Rodney, knt. disabled Aug. 12, 1642, w. i. eod. die, and Sept. 25, 1645.
†. Lislebone Long, esq.
s. †. Clement Walker, esq. author of the History of Independency.

Taunton B.

George Searle, esq.
o. Sir Wm. Portman, bart. disabled Feb. 5, 1643, for deserting the service of the house, being in the king's quarters, and adhering to that party, w. i. Sept. 25, 1645,
†. Admiral Robert Blake.

Bridgewater B.

c. Sir Peter Wroth, knt. was deceased in 1644, w. i. Sept. 25, 1645.
Edmund Wyndham, esq. expelled Jan. 21, 1640, for being a monopolist, w. i. eodem die.
†. Thomas Smith, esq. disabled Aug. 5, 1642, w. i. eod. die, and Sept. 25, 1645.
†. John Palmer, M. D.
‖. †. Sir Thomas Wroth, knt.

Mynhead B.

c. Sir Francis Popham, knt. and
Alex. Lutterel, gent. were both deceased in 1644, w. i. Oct. 25, 1645.
†. Edward Popham, esq.
†. Walter Strickland, esq.

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Ilchester B.

Sir Henry Berkeley, knt. and

o. Robert Hunt, esq. their election declared void. The latter was re-elected, but disabled Feb. 5, 1643, for deserting the service of the house, being in the king's quarters, and adhering to that party, w. i. Sept. 25, 1645.

o. †. Edward Philips, esq. disabled the same day, and for the same offence as the last, w. i. Sept. 25, 1645.

†. William Strode, esq.

†. Thomas Hodges, esq.

Milborn-Port B.*

George lord Digby made his election for Dorsetshire.

o. John Digby, esq. disabled Aug. 5, 1642, for putting the commission of array in execution, w. i. Sept. 25, 1645.

o. Edw. Kirton esq. disabled Aug 11, 1642, w. i. eod. die, and Sept. 25, 1645.

s. †. Thomas Grove, esq.

†. William Carew, esq.

SOUTHAMPTONSHIRE.

c. Sir H. Wallop. knt. was deceased in 1644, w. i. Oct. 24, and Nov. 10, 1645.

c. Richard Whitehead, esq.

†. Richard Norton, esq.

Winchester C.

c. ||. John Lisle, esq.

o. Sir Wm. Ogle, knt. disabled June 24, 1643, for being in war against the parliament, w. i. Oct. 25, 1645.

||. †. Nicholas Love, esq.

Southampton T.

c. George Gallop, esq.

c. Edward Exton, esq.

Portsmouth T.

Henry Piercy, esq. made his election for Northumberland.

Col. Geo. Goring, disabled Aug. 16, 1642. for giving up Portsmouth to the king, w. i. eod. die. also Oct. 25, and March 23, 1645.

o. †. Nich. Weston, esq. disabled Aug. 16, 1642, for doing ill service to the parliament in the affair of Portsmouth last mentioned, w. i. eod. die.

c. †. Edw. Dowse, esq. deceased, w. i. Nov. 18, 1648.

s. †. John Booth, esq.

†. Richard Cromwell, esq.

Yarmouth B.

c. *. Philip lord Lisle eldest son of Robert earl of Leicester.

c. Sir John Leigh, knt.

Petersfield B.

c. s. Sir Wm. Lewis, bart. disabled January 27, 1647, on account of a charge brought against him by sir T. Fairfax and the army: but this order was revoked by another of the 8th of June, 1648.

o. Sir William Uvedale, knt. disabled.

Newport B.

Lucius Carey, lord vis. Falkland disabled Sept. 22, 1642. Killed at the first battle of Newberry, in Sept 1643. in the king's service, w. i. November 1, 1645.

Sir Henry Worsley, bart.

†. William Stephens, LL. D.

Stockbridge B.

c. ||. William Heveningham, esq.

s. William Jephson, esq.

Newton B.

o. Sir John Meux, knt. disabled Feb. 5, 1643, for deserting the service of the house, being in the king's quarters, and adhering to that party, w. i. Oct. 25, 1645.

o. Edw. Nicholas, esq. appointed secretary of state, on the decease of lord Falkland, disabled, w. i. Oct. 25, 1645.

*. †. Sir John Barrington, knt. and bart.

s. †. John Bulkely, esq.

Christ-Church B.

Henry Tulse, esq. was deceased in 1644, w. i. October 25, 1645.

o. Mat. Davies, esq. disabled March 16, 1642, for not appearing on summons. w. i. Oct. 25, 1645.

†. John Kemp, esq.

†. Richard Edwards, esq.

Whitchurch B.

c. Sir Thomas Jervoise, knt.

Richard Jervoise, esq. deceased, w. i. October 31, 1645.

†. Thomas Hussey, esq.

Lymington B.

c. John Button, esq.

c. Henry Campion, esq.

Andover B.

Sir H. Rainsford, knt. deceased, w. i. March 31. 1641.

Henry Vernon, esq. not duly elected.

c. s. †. Sir Wm. Waller, kt. disabled Jan. 27, 1647, on account of a charge brought against him by Sir T. Fairfax and the army; but this order was revoked by another of the 8th of June, 1648.

c. ||. †. Robert Wallop, esq.

STAFFORDSHIRE.

Sir William Bowyer, deceased, w. i. March 15, 1640.

c. o. Sir Edward Littleton, bart. disabled March 4, 1643, for neglecting the service of the house, and going to the other party.

o. †. Sir Harvey Bagot, knt. disabled Nov. 24, 1642, for raising forces against the parliament.

†. Sir Richard Skeffington, kt. deceased, w. i. October 23, 1647.

†. John Bowyer, esq.

†. Thomas Crompton. esq.

Litchfield C.

c. Michael Noble, esq.

o. Sir Richard Cave, knt. disabled Aug. 30, 1642, w. i. Nov. 26, 1646.

s. †. Michael Bidulph, esq.

Stafford T.

o. Ralph Sneyde, jun. gent. disabled May 20, 1643, taken prisoner at Stafford, in the king's service, w. i. Sept. 25, 1645.

* This town sent no members since 35 Edw. I. till required so to do, 15 Car. I. 1640. Willis's Notit. Parl.

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o. Rd. Weston, esq. disabled, w. i. September 25, 1645.

s. †. John Swinfen, esq.

s. †. Edward Leigh, esq.

Newcastle-under-Line.

c. s. Sir John Merrick, knt.

o. Sir Rd. Leveson, k. b. disabled Nov. 21, 1642, for raising forces against the parliament, w. i. Sept. 25, 1645.

s. †. Samuel Terrick, esq.

Tamworth B.

William Strode, esq. made his election for Beralston.

Henry Wilmot, esq. expelled Dec. 9, 1641, for being concerned in a plot for bringing up the army to over-awe the parliament, w. i. eod. die. Created baron Wilmot of Adderbury, June 29, 1643.

†. Ferdinando Stanhope, esq. fourth son of Philip earl of Chesterfield, disabled March 27, 1643, w. i. Sept. 25, 1645.

c. *. †. Sir Peter Wentworth, k. b.

† George Abbot, Esq.

SUFFOLK.

c. Sir Nathaniel Barnardiston, knt.

c. s. Sir Philip Parker, knt.

Ipswich T.

c. *. John Gourdon, esq.

c. William Cage, esq. was deceased in 1644. w. i. Dec. 5, 1645.

†. Francis Bacon, esq.

Dunwich B.

c. Sir Anthony Bedingfield, knt.

Henry Coke, esq. disabled Sept. 7, 1642, for neglecting the service of the house, and not appearing on summons, w. i. Sept. 2, 1645.

†. Robert Brewster, esq.

Orford B.

c. s. Sir William Playters, knt. and bart.

Sir Charles Le Gross, knt.

Aldborough B.

c. Squire Bence, esq.

Captain Rainsborough, deceased in 1641.

c. †. Alexander Bence, esq.

Sudbury B.

c. s. Sir Symonds D'Ewes, knt. and bart.

Sir Robert Crane, knt. and bart. was deceased in 1644, w. i. Sept. 2, 1645.

†. Brampton Gourdon, jun. esq.

Eye B.

c. s. Sir Roger North, knt.

o. Sir Frederick Cornwallis, knt. and bart. disabled September 23, 1642, for sending over officers from Holland into England against the parliament, w. i. September 1, 1645.

s. †. Morris Barrow, esq.

St. Edmundsbury B.

o. Sir Thomas Jermyn, knt. disabled Feb. 14, 1643, for deserting the service of the house, being in the king's quarters, and adhering to that party, w. i. Aug. 21, 1645.

Henry Jermyn, esq. disabled; but created baron Jermyn of St. Edmundsbury, Sept. 8, 1643, w. i. Aug. 21, 1645.

s. †. Sir William Spring, bart.

†. Sir Thomas Barnardiston, knt.

SURRY.

c. s Sir Richard Onslow, knt.

c. s. Sir Ambrose Brown, bart.

Southwark B.

o. Edward Bagshaw, esq. disabled Jan. 22, 1643, for deserting the service of the house, being in the king's quarters, and adhering to that party, w. i. Aug. 21, 1645.

c. John White, esq. deceased Jan. 30, 1644, w. i. Aug. 21, 1645.

†. George Thompson, esq.

†. George Snelling, esq.

Bluchingley B.

Sir John Evelyn, knt.

Edward Byshe, jun. esq.

Ryegate B.

‖. Wm. Monson, lord visc. Monson in Ireland.

o. Sir Thomas Bludworth, knt. disabled, w. i. Sept. 3, 1645.

†. George Evelyn, esq.

Guildford B.

c. Sir Robert Parkhurst, knt. deceased.

George Abbot, esq. On 6th of July 1641, it was moved that this gentleman, at his own request, might decline his election, and that a new burgess might be chosen; but this motion was not thought fit to be granted. Deceased, w. i. November 12, 1645.

†. Nicholas Stoughton, esq. deceased, w. i. May 6, 1648.

Gatton B.

Sir Samuel Owfield, knt. was deceased in 1644, w. i. September 3, 1645.

c. s. Thomas Sandys, esq.; and

—— Sanders, esq. a double return. The latter declared not duly elected, Nov. 5, 1641.

s. †. William Owfield, esq.

Haselmere B.

c. John Goodwyn, esq.

Sir Poynings More, knt. and bart. deceased, w. i. June 22, 1649.

SUSSEX.

c. s. Sir Thomas Pelham, bart.

c. ‡. Anthony Staply, esq.

Chichester C.

o. Christopher Lewkenor, esq. disabled Sept. 2, 1642, w. i. eod. die, and Sept. 3, 1645.

Sir William Morley, knt. disabled Nov. 23, 1642, for assisting in putting a garrison into Chichester for the king, w. i. eod. die, and September 3, 1645.

s. †. Sir John Temple, knt.

s. †. Henry Peck, esq.

Horsham B.

c. s. Thomas Middleton, esq.

c. Paul Ravenscroft, esq.

Midhurst B.

c. ‡. William Cawley, esq.

Dr. Chaworth, not duly elected.

o. †. Thomas May, esq. disabled Nov. 29, 1642, for putting a garrison into Chichester for the king, w. i. eod. die, and Sept. 11, 1645.

‡. †. Sir Gregory Norton, bart.

Lewes B.

c. ‖. Herbert Morley, esq.

—— Rivers, esq. deceased, w. i. June 9, 1641.

‡. Henry Shelley, esq.

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Shoreham B.

c. s. John Alford, esq.

Wm. Marlot, esq. dec. w. i. July 24, 1646.

†. Herbert Springet, esq.

Bramber B.

Sir Edward Bishop, knt. and

c. s. Arthur Offslow, esq. Their election declared void, Dec. 16, 1640, and the former voted incapable of any election this parliament; but the latter was re-elected.

o. Sir Thomas Bowyer, bart. disabled November 23, 1642, for assisting in putting a garrison into Chichester for the king, w. i. eod. die, and September 12, 1645.

‡. †. James Temple, esq.

Steyning B.

Richard lord Buckhurst, eldest son of Edward earl of Dorset, made his election for East Grinstead.

o. Thomas Leeds, esq. disabled Nov. 23, 1642, for the same offence as the last, w. i. eod. die, and September 12, 1645.

†. Sir Thomas Fernfold, deceased, w. i. September 12, 1645.

†. Edward Apsley, esq.

†. Herbert Borde, esq. deceased, w. i. September 20, 1648.

East-Grinstead B.

Richard Lord Buckhurst, disabled Feb. 5, 1643, for deserting the service of the house, being in the king's quarters, and adhering to that party, w. i. September 12, 1645.

c. Robert Goodwyn, esq.

†. Robert Pickering, esq. his election declared void Feb. 9, 1645. In his place

†. John Baker, esq.

Arundel B.

Henry Garton, esq. deceased, w. i. November 12, 1641.

o. Sir Edward Alford, knt. disabled Jan. 22, 1643, for the same offence as the last, w. i. September 3, 1645.

c. ‡. †. John Downes, esq.

s. †. Herbert Hay, esq.

WARWICKSHIRE.

James lord Compton, eldest son of Spencer earl of Northampton, and

Edward Combe, esq. Their election declared void Dec. 2, 1640; but the former rechosen and afterwards disabled, w. i. Oct. 11, 1645.

Richard Shuckburgh, esq. disabled, w. i. October 11, 1645.

s. †. Sir John Burgoyne, bart.

s. †. Thomas Boughton, esq.

Coventry C.

s. John Barker, alderman.

c. William Jesson, alderman.

Warwick B.

Sir Thomas Lucy, knt. deceased, w. i. December 17, 1640.

‡. William Perfoy, esq.

c. *. †. Godfrey Bosvile, esq.

WESTMORELAND.

o. Sir Philip Musgrave, bart. disabled March 15, 1642, for putting the Commission of Array in execution, w. i. Oct. 11, 1645.

o. Sir Henry Bellingham, knt. and bart. disabled Oct. 11, 1645, for his delinquency to the parliament, w. i. eod. die.

†. James Bellingham, esq.

†. Henry Laurence, esq.

Appleby T.

o. Richard Boyle, lord viscount Dungarvon, eldest son of Richard earl of Corke, whom he succeeded as such in Sept. 1643, disabled Nov. 10, eod. anno, on account of the cessation with the Irish rebels, w. i. September 25, 1645. Created baron of Londesburgh, November 4, 1644.

o. Sir John Brooke, knt. disabled March 15, 1642, for granting a warrant for raising of money for the king's service in Lincolnshire, w. i. September 25, 1645. Created baron of Cobham, January 3, 1644.

*. †. Richard Salway, esq.

‡. †. Henry Ireton, esq.

WILTSHIRE.

o. Sir James Thinn, knt. disabled, w. i. December 30, 1645.

c. Sir Henry Ludlowe, knt. was deceased in 1644, w. i. Dec. 30, 1645.

†. James Herbert, esq. second son of Philip earl of Pembroke and Montgomery.

‡. †. Lieutenant-General Edmund Ludlowe.

Salisbury C.

c. Michael Oldsworth, esq.

o. Robert Hyde, serjeant at law, disabled Aug. 4, 1642, for executing the Commission of Array, w. i. die proximo, and Sept. 30, 1645.

‖. †. John Dove, esq.

Wilton B.

c. Sir Henry Vane, knt.

c. s. Sir Benjamin Rudyard, knt.

Dounton B.

o. Sir Edward Griffith, knt. disabled Feb. 5, 1643, for deserting the service of the house, being in the king's quarters, and adhering to that party, w. i. September 30, 1645.

†. Alexander Thistlethwait, esq.

Hindon B.

c. *. Robert Reynolds, esq.

c. Sir Miles Fleetwood, knt. deceased.

†. Thomas Bennet, gent. was deceased in 1644, w. i. Oct. 11, 1645.

†. Edmund Ludlowe, esq.

Heitsbury B.

c. Thomas Moor, esq.

c. Edward Ash, gent.

Westbury B.

c. s. William Wheeler, esq.

s. John Ash, esq.

Calne B.

c. Hugh Rogers, esq.

o. George Low, esq. disabled Feb. 5, 1643, for deserting the service of the house, being in the king's quarters, and adhering to that party, w. i. October 30, 1645.

*. †. Rowland Wilson, esq. alderman of London.

Devizes B.

c. Sir Edward Baynton, knt.

c. *. Robert Nichols, serjeant at law,

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Chippenham B.

c. *. Sir Edward Baynton, knt.

c. Sir Edward Hungerford, knight of the bath.

Malmsbury B.

c. s. Sir Nevil Poole, knt.

o. Anthony Hungerford, esq. disabled, w. i. September 12, 1645.

‡. †. Sir John Danvers, knt. brother to Henry earl of Danby.

Cricklade B.

c. s. Robert Jenner, esq.

c. s. Thomas Hodges, esq.

Bedwin B.

o. Sir Walter Smith, knt. and

o. Sir Richard Harding, knt. both disabled Feb. 5, 1643, for deserting the service of the house, being in the king's quarters, and adhering to that party, w. i. Jan. 9, 1645.

s. †. Henry Hungerford, esq.

‖. †. Edmund Harvey, esq.

Ludgershall B.

William Ashburnham, esq. expelled Dec. 9, 1641, for being concerned in a plot for bringing up the king's army in the North to overawe the parliament, w. i. eod. die.

c. Sir John Evelyn, knt.

†. Walter Long, esq. disabled Jan. 27, 1647, on account of a charge brought against him by Sir Thomas Fairfax and the army: but this order was revoked by another of the 8th of June, 1648.

Old Sarum.

Edward Herbert, esq. A new writ was issued for electing a burgess in his place, Jan. 29, 1640, being solicitor-general when returned, but since made attorney-general, and, in that respect, to sit as an assistant in the Lords' house.

c. Robert Cecil, esq. second son of William earl of Salisbury.

†. Sir William Saville, knt. and bart. disabled Sept. 6, 1642, for neglecting the service of the house, and signing a petition contrived in Yorkshire, and sent up to parliament, w. i. September 30, 1645, and June 15, 1646.

†. Roger Kirkham, esq. deceased, w. i. December 21, 1646.

†. Sir Richard Lucie, knt. and bart.

Wooton-Basset B.

c. s. Edward Poole, esq.

o. William Pleydall, esq. disabled Feb. 5, 1643, for deserting the service of the house, being in the king's quarters, and adhering to that party, w. i. Nov. 1, 1645.

s. †. Edward Massey, esq. disabled Jan. 27, 1647, on account of a charge brought against him by sir Thomas Fairfax and the army: but this order was revoked by another of the 8th of June, 1648.

Marlborough B.

Sir Francis Seymour, knt. created baron Seymour of Trowbridge, Feb. 19, 1640, w. i. 25 ejusdem mensis.

John Franklyn, esq. deceased, w. i. Nov. 12, 1645.

c. †. Philip Smith, esq.

†. Charles Fleetwood, esq.

WORCESTERSHIRE.

c. John Wylde, serjeant at law.

c. *. Humphrey Salway, esq.

Worcester C.

o. John Cowcher, esq.

c. s. John Nash, esq.

Droitwich B.

o. Endimion Porter, esq. disabled March 10, 1642, w. i. Nov. 11, 1646.

o. Samuel Sandys, esq. disabled August 20, 1642, for executing the commission of array, w. i. eod. die, and Nov. 11, 1646.

‖. †. Edmund Wylde, esq.

†. Col. Thomas Rainsburgh, killed at Doncaster in his way to the siege of Pontefract, w. i. November 18, 1648.

†. Nicholas Lechmere, esq.

Evesham B.

Richard Cresswell, serjeant at law.

William Sandys, esq. expelled Jan. 21, 1640, for being a monopolist, w. i. eod. die.

o. †. John Coventry, esq. second son of the late lord-keeper Coventry, disabled Aug. 12, 1642, w. i. eod. die, and Sept. 12, 1645.

s. †. Samuel Gardiner, esq.

Bewdley B.

o. Sir Henry Herbert, knt. disabled Aug. 20, 1642, for executing the commission of array, w. i. eod. die, also Nov. 11, 1646, and May 10, 1648.

†. Daniel Dobins, esq.

YORKSHIRE.

c. Ferdinando lord Fairfax, deceased in 1647.

o. Henry Bellasis, esq. disabled Sept. 6, 1642, for neglecting the service of the house, and signing a petition contrived in Yorkshire, and sent up to parliament. On the 16th of March, 1647, writs were issued for electing two knights, but we do not find any election made.

York C.

c. *. Sir William Allanson, knt.

c. Thomas Hoyle, alderman.

Kingston-upon-Hull.

Sir John Lister, knt. deceased.

c. Sir Henry Vane, knt. jun.

c. ‡. †. Peregrine Pelham, esq.

Knaresbrough B.

o. Sir Henry Slingsby, bart. disabled Sept. 6, 1642, for the same offence as the last, w. i. Sept. 12, 1645.

Henry Benson, esq. expelled by vote November 2, 1641, for selling protections to divers men that were not his menial servants, and declared unworthy and incapable of ever sitting in parliament, &c. w. i. eod. die. In his place

†. William Deerlove, esq. whose election was declared void, March 19, 1641, and

‡. †. Sir William Constable, bart. his election confirmed by the house.

†. Thomas Stockdale, esq.

Scarbrough B.

o. Sir Hugh Cholmley, knt. disabled April 3, 1643, for betraying the trust reposed in him by parliament, falsifying his protestation, and revolting to the popish army raised against the parliament, w. i. Sept. 12, 1645.

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John Hotham, esq. disabled Sept. 8, 1643, for a design to deliver up Hull to the king, and beheaded the first of January following, w. i. Sept. 12, 1645.

†. Luke Robinson, esq.

†. Sir Matthew Boynton, bart. deceased, w. i. March 23, 1646.

‖. †. John Anlaby, esq.

Ripon B.

o. Sir John Mallory, knt. disabled Jan. 16, 1642, for appearing in arms against the parliament, w. i. Sept. 12, 1645.

o. William Mallory, esq. disabled Sept. 6, 1642, for neglecting the service of the house, and signing a petition contrived in Yorkshire, and sent up to parliament, w. i. Sept. 12, 1645.

†. Miles Moody, esq. deceased, w. i. March 15, 1646.

†. Sir Charles Egerton, knt.

‡. †. Sir John Bourchier, knt.

Richmond B.

Sir William Pennyman, bart. disabled Aug. 11, 1642, w. i. eod. die, and Sept. 25, 1645.

o. Sir Thomas Danby, knt. disabled Sept. 6, 1642, for neglecting the service of the house, and signing a petition contrived in Yorkshire, and sent up to parliament, w. i. September 25, 1645.

‡. †. Thomas Challoner, esq.

*. †. Francis Thorpe, serjeant at law.

Heydon B.

Sir William Strickland, knt.

c. ‡. John Allured, esq.

Boroughbridge B.

‡. Sir Thomas Mauleverer, bart.

c. Sir Philip Stapylton, knt. disabled Sept. 7, 1647, on account of a charge brought against him by sir Thomas Fairfax and the army, deceased at Calais in August 1647, w. i. Oct. 25, eod. anno.

†. Henry Stapylton, esq.

Thirsk B.

o. John Bellasis, esq. disabled Sept. 6, 1642, for neglecting the service of the house, and signing a petition contrived in Yorkshire, and sent up to parliament, w. i. September 1, 1645, Created Baron Bellasis of Worlaby, January 27, 1644.

o. Sir Thomas Ingram, knt. disabled the same day, and for the same offence as the last, w. i. Sept. 9, 1645.

‖. †. Francis Lascelles, esq.

†. William Ayscough, esq.

Aldburgh B.

o. Richard Aldburgh, esq. disabled the same day, and for the same offence as the last, w. i. Sept. 12, 1645.

o. Sir Robert Strickland, knt. disabled January 21, 1642, for being in actual war against the parliament, w. i. Sept. 12, 1645.

†. Thomas Scot, esq. deceased, w. i. March 2, 1647.

†. Bryan Stapylton, esq.

‖. †. James Challoner, esq.

Beverley B.

Sir John Hotham, knt. and bart. disabled Sept. 7, 1643, for a design to deliver up Hull to the king; and beheaded the second of January following, w. i. Sept. 1, 1645.

o. Michael Warton, esq. disabled Jan. 22, 1648, for deserting the service of the house, being in the king's quarters, and adhering to that party, w. i. Sept. 1, 1645.

s. †. John Nelthorp, esq.

*. †. James Nelthorp, esq.

Pontefract B.

o. Sir George Wentworth of Wooley, knt. disabled Sept. 6, 1642, for neglecting the service of the house, and signing a petition contrived in Yorkshire, and sent up to parliament, w. i. Sept. 12, 1645.

o. Sir George Wentworth of Wentworth-Woodhouse, knt. brother to the earl of Strafford, by whom he was knighted in Ireland when lord-lieutenant there; disabled Jan. 22, 1643, for deserting the service of the house, being in the king's quarters, and adhering to that party, w. i. August 11, 1646.

†. Henry Arthington, esq.

†. William White, esq. secretary to Sir Thomas Fairfax.

Malton B.

o. Thomas Hebblethwaite, esq. disabled November 29, 1644, for having assisted the king's commissioners of array, w. i. Sept. 17, 1645.

c. John Wastell, esq.

c. †. Henry Darley, esq.

Allerton B.*

c. s. Sir Henry Chomley, knt.

Sir John Ramsden, knt. disabled for being in arms against the parliament at Selby, in April, 1644.

*. †. Richard Darley, esq.

CINQUE PORTS.

Hastings.

o. John Ashburnham, esq. and

Sir Thomas Eversfield, knt. both disabled Feb. 5, 1643, for deserting the service of the house, being in the king's quarters, and adhering to that party, w. i. Sept. 3, 1645.

s. †. John Pelham, esq.

*. †. Roger Gratwick, esq.

Romney.

Philip Warwick, esq. made his election for Radnor, w. i. Nov. 7, 1640.

Thomas Webb, esq. expelled Jan. 21, 1641, for being a monopolist in the sealing of Bonelace, w. i. eod. die.

c. s. †. Sir Norton Knatchbull, bart.

c. s. †. Richard Brown, esq.

Hythe.

c. Sir Henry Haynan, bart.

c. John Harvey, esq. deceased, w. i. August 21, 1645.

†. Thomas Westrow, esq.

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* On the 11th of Dec. 1640, the Commons ordered, That the towns of Malton and Allerton, which formerly sent burgesses to parliament, should be restored and re-admitted to their antient privileges.—Commons Journals.

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Dover.

Sir Peter Hayman, knt. deceased, w. i. February 10, 1640.

c. Sir Edward Boys, knt. deceased, w. i. August 11, 1646.

*. †. Benjamin Weston, esq.

‡. †. John Dixwell, esq.

Sandwich.

c. s. Sir Edward Parteriche, bart.

Sir Thomas Peyton, bart. disabled Feb. 5, 1643, for deserting the service of the house, being in the king's quarters, and adhering to that party, w. i. Sept. 17, 1645.

s. †. Charles Rich, esq.

*Seaford.**

c. s. Sir Thomas Parker, knt.

c. s. Francis Gerrard, esq.

Rye.

Sir John Jacob, knt. expelled January 21, 1640, for being a monopolist of tobacco, w. i. eod. die.

o. John White, esq. disabled Feb. 5, 1643, for deserting the service of the house, being in the king's quarters, and adhering to that party, w. i. Sept. 3, 1645.

†. William Hay, gent.

‖. †. John Fagg, esq.

Winchelsea.

Sir Nicholas Crispe, knt. expelled Feb. 2, 1640, as a monopolist for copperas stones, w. i. eod. die.

Sir John Finch, knt. was deceased in 1644, w. i. Sept. 3, 1645.

c. o. †. William Smith, esq. disabled, w. i. Sept. 3, 1645.

s. † Henry Oxenden, esq.

†. Samuel Got, esq.

WALES.

ANGLESEY.

o. John Bodville, esq. disabled Feb. 5, 1643, for deserting the service of the house, being in the king's quarters, and adhering to that party, w. i. Dec. 7, 1646.

Beaumaris B.

John Griffith, sen. esq. deceased Aug. 10, 1642, w. i. Dec. 7, 1646.

s. †. William Jones, esq.

BRECON.

o. William Morgan, esq. deceased, w. i June 27, 1649.

†. Col. Philip Jones, elected in February, 1649.

Brecon T.

o. Herbert Price, esq. disabled, w. i. Dec. 5, 1645.

†. Lodovicus Lewis, esq.

CARDIGAN.

o. Walter Lloyd, esq. disabled Feb. 5, 1643, for deserting the service of the house, being in the king's quarters, and adhering to that party, w. i. June 5, 1646.

†. Sir Richard Price, bart.

Cardigan T.

John Vaughan, esq. disabled Sept. 1, 1645, and w. i. June 5, 1646.

‡. †. Thomas Wogan, esq.

CARMARTHEN.

o. Sir Henry Vaughan, kt. disabled, w. i. February 10, 1645.

s. †. John Lloyd, esq.

Carmarthen T.

o. Francis Lloyd, esq. disabled Feb. 5, 1643, for deserting the service of the house, being in the king's quarters, and adhering to that party, w. i. Feb. 10, 1645.

s. †. William Davies, esq.

CARNARVON.

o. John Griffith, jun. esq. disabled Aug. 10, 1642, and w. i. Dec. 7, 1646.

s. †. Sir Richard Wynn, knt.

Carnarvon T.

o. William Thomas, esq. disabled Feb. 5, 1643, for deserting the service of the house, being in the king's quarters, and adhering to that party, w. i. Dec. 8, 1646.

s. †. William Foxwist, esq.

DENBIGH.

c. s. Sir Thomas Middleton, knt.

Denbigh T.

s. Simon Thelwall, jun. esq.

FLINT.

o. John Mostyn, esq. disabled Feb. 5, 1643, for the same offence as the last, w. i. September 11, 1646.

†. John Trevor, esq.

Flint T.

o. John Salisbury, jun. esq. disabled Feb. 5, 1643, for the same offence as the last, w. i. Sept. 11, 1646.

s. †. Thomas Middleton, esq.

GLAMORGAN.

Philip lord Herbert, eldest son of Philip earl of Pembroke and Montgomery, succeeded to his father's titles in February 1649, but continued to sit as a member of the house of commons.

Caerdiff T.

William Herbert, esq. disabled. He was killed at the battle of Edgehill on the part of the king, w. i. Dec. 5, and Jan. 21, 1645.

‖. †. Algernon Sidney, esq.

MERIONETH.

o. William Price, esq. disabled Feb. 5, 1643, for deserting the service of the house, being in the king's quarters, and adhering to that party, w. i. Dec. 8, 1646.

†. Roger Pope, esq. deceased, w. i. Aug. 26, 1647.

‡. †. John Jones, esq.

MONTGOMERY.

o. Sir John Price, bart. disabled October 20, 1645, for deserting the parliament, and adhering to the enemy's party, w. i. November 11, 1646.

s. †. Edward Vaughan, esq.

* On the 4th of Feb. 1640, the Commons resolved, That the town of Seaford having sent burgesses to parliament, in former times to three several parliaments, should be restored to its antient privilege of sending burgesses.—*Com. Journ.*

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Montgomery T.

o. Richard Herbert, esq. disabled Sept. 12, 1642, for putting the Commission of Array in execution in the county of Salop, w. i. Nov. 11, 1646.

†. George Devereux, esq.

PEMBROKE.

John Wogan, sen. esq. was deceased in 1644, w. i. Dec. 5, 1645.

s. †. Arthur Owen, esq.

Pembroke T.

c. Sir Hugh Owen, knt.

Haverford-West.

o. Sir John Stepney, bart. disabled, w. i. September 25, 1645.

s. †. Sir Robert Needham, knt.

RADNOR.

o. Charles Price, esq. disabled, w. i. March 19, 1646.

†. Arthur Annesley, esq.

Radnor T.

o. Philip Warwick, esq. disabled Feb. 5, 1643, for deserting the service of the house, being in the king's quarters, and adhering to that party, w. i. Jan 21, 1645, and March 19, 1646.

s. †. Robert Harley, esq.

The King's Speech on opening the Parliament.] The king being come to the house of lords, and seated on the throne, his majesty signified his reasons for calling this parliament, in the following Speech:

"My Lords; The knowledge I had of the designs of my Scots subjects, was the cause of my calling the last assembly of parliament; wherein, had I been believed, I sincerely think that things had not fallen out as now we see. But it is no wonder that men are so slow to believe, that so great a sedition should be raised on so little ground. But now, my lords and gentlemen, the honour and safety of this kingdom lying so near at stake, I am resolved to put myself freely and clearly on the love and affection of my English subjects; as those of my lords that waited on me at York may very well remember I there declared.—Therefore, my lords, I shall not mention mine own interest, or that support I might justly expect from you, till the common safety be secured; though I must tell you, I am not ashamed to say, those charges I have been at, have been merely for the security and good of this kingdom, though the success hath not been answerable to my desires. Therefore I shall only desire you to consider the best way, both for the safety and security of this kingdom; wherein there are two parts chiefly considerable, first, the chasing out of rebels; and secondly, that other in satisfying your just Grievances; wherein I promise you to concur so heartily and clearly with you, that all the world may see my intentions have ever been, and shall be, to make this a glorious and flourishing kingdom. There are only two things that I shall mention to you; the one is to tell you, that the loan of money which I had lately from the city of London, (wherein the lords that waited on me at York assisted me) will only maintain my army for two months, from the beginning of that time it was granted. Now, my lords and gentlemen, I leave it to your consideration, what dishonour and mischief it might be, if, for want of money, my army be disbanded, before the rebels be put out of this kingdom. Secondly, the securing against the calamities the Northern people endure at this time, and so long as the treaty is on foot. And in this, I say, not only they, but all this kingdom will suffer the harm; therefore I leave this also to your consideration. For the ordering of these great affairs, whereof you are to treat at this time, I am so confident of your love to me, and that your care is for the honour and safety of the kingdom, that I shall freely and willingly leave it to you where to begin: only this, that you may the better know the state of all the affairs, I have commanded my lord keeper to give you a short and free account of those things that have happened in this interim; with this protestation, that if this account be not satisfactory, as it ought to be, I shall, whensoever you desire, give you a full and perfect account of every particular. One thing more I desire of you, as one of the greatest means to make this a happy parliament, that you, on your parts, as I, on mine, lay aside all suspicion one of another; for, as I promised my lords at York, it shall not be my fault, if this be not a happy and good parliament."

The Lord Keeper's Speech.] The king having ended his Speech, John lord Finch, lord keeper of the great seal, made the following speech:

"My lords, and you the knights, citizens, and burgesses of the house of commons;—You have been summoned by his maj.'s gracious writ, under the great seal of England, and you are here this day assembled for the holding of a parliament. The writ tells you, 'Tis to treat and consult of the high, great, and weighty affairs that concern the state and safety of the kingdom.' It tells you true; for, since the conquest, never was there a time that did more require, and pray for the best advice and affection of the English people. It is ill viewing of objects, by viewing them in a multiplying glass; and it is almost as mischievous in the species of such a broken glass, which represents but to the half. The only and the perfect way is to look in a true mirror. I will not take upon me to be a good looker in it: I will only hold it to you to make use of it.—The kingdom of England is this multiplying glass; you may there see a state which hath flourished for divers hundred years, famous in time of peace and war, glorious at home, and ever considerable abroad; a nation to whom never yet any conqueror gave new laws, nor abolished the old; nor would this nation ever suffer a conqueror to meddle with their laws, no not the Romans; who yet, when they subdued all the people, made it part of their conquest to lead their laws in triumph with them. For the Saxons,

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Danes, and the Normans, if this were a time to travel in such particulars, it were an easy task to make it appear, that they never changed the old established laws of England, nor ever brought in any new; so that you have the frame and constitution of a common-wealth made glorious by antiquity. And it is with states, as with persons and families, certainly an uninterrupted pedigree doth give lustre. It is glorious in the whole frame, worth your looking upon long, and your consideration in every part.—The king is the head of the common-wealth, the fountain of justice, the life of the law; he is anima & deliciæ legis. Behold him in the happy times, that we have so long lived under his monarchical government.—For his excellent maj. that now is, our most gracious sovereign, you had need wipe the glass, and wipe your eyes, and then you shall truly behold him a king of exemplary piety and justice, of rare endowments and abilities of nature: and what he hath got by acquisition, depth of judgment, quickness of apprehension, unparalleled moderation in great councils and great affairs, such as you, my lords, that had the happiness to attend him at the council of peers at York, to our great joy and comfort can witness, and after-ages will remember, to his eternal honour and fame.—For his just and pious government I dare boldly say, that if any under him, as an instrument, who have had the distributing of justice to his people, have not done as they ought, the fault is their own; and they have done contrary to the royal nature and express command of our gracious sovereign, from whom I have often learned this golden rule and maxim, 'He serves me best, that serves me with honesty and integrity.'—Behold him in another part of himself, in his dearest consort, our gracious queen, the mirror of virtue; from whom, since her happy arrival, now after three lustres of years, never any subject received other than gracious and benign influence: and I dare avow, as she is nearest and dearest to our sovereign, so there is none, whose affections and endeavours (his maj. only excepted) have, or do, or can co-operate more to the happy success of this parl. and the never-to-be-equalled joy and comfort of a right understanding between the king and his people.—Behold him in his best image, our excellent young prince, and the rest of the royal and lively progeny, in whom we cannot but promise to ourselves to have our happiness perpetuated.—From the throne, turn your eyes upon the two supporters of it; on the one side, the stem of honour, the nobility and clergy; on the other side, the gentry and commons.—Where was there, or is there in any part of the world, a nobility so numerous, so magnanimous, and yet with such a temper, that they neither eclipse the throne, nor overtop the people, but keep in a distance fit for the greatness of the throne?—Where was there a common-wealth so free, and the balance so equally held as here? And certainly so long as the beam is duly held, it cannot be otherwise. In right angles, if you turn the line never so little, it groweth quickly acute or obtuse; and so in states, the least deviation makes a great change: but his majesty's great wisdom and goodness, and the assistance of this honourable assembly, I do not doubt, will be a means to make us so steer between the tropicks of moderation, that there be no declension from the pole of security.—I am, by his maj.'s command, to relate to you some proceedings since the last assembly here.—You may remember, the summer preceding this last, his maj. went with an army into the north, engaged in honour so to do, by reason of the courses that were taken by divers of the subjects of Scotland, to the prejudice of monarchy, and rendering less glorious this kingdom. I know not under what pretence, but at that time they came very near England with an army, so that it was believed they would have then entered and invaded the kingdom. They did profess the contrary, neither did they want remonstrances and declarations to infuse this opinion into the hearts of his majesty's people, before it could appear by the effects, what their intentions from the beginning were. His majesty, by his goodness and wisdom, settled a peace, and made a pacification at Berwick, upon which both armies were disbanded; which pacification, and every article of it, his majesty, on his part, hath been so far from violating, that whensoever any question shall be made of it, it shall plainly and clearly appear that it was his care to see it in all things performed. On the contrary, those subjects of his, not contented with that grace which his maj. then gave them in those articles of pacification, have not only strained them beyond the bounds and limits of the intention and meaning: but they have over and above attempted, and acted divers things so prejudicial to monarchy, and contrary and repugnant to the law, and settled constitution, and usage of that kingdom, that his majesty could not in honour connive at it.—This being made known unto his maj. and to his privy council, by those who best knew the state and affairs of that kingdom, and that were most trusted and employed by his maj., his maj. by the unanimous consent of his privy council, resolved to raise an army to reduce them to a modest and just condition of true obedience and subjection, to defend this kingdom from all damage and danger, that by their means, how speciously soever they shadow their pretences, might fall upon it.—His maj. then foresaw and foretold, that though the raising of an army at this time, was but to stand upon their own defence, as they professed, yet they had an intention to enter this kingdom, and to seize upon some place of importance and eminency; and his maj. in particular, named Newcastle.—Had his maj. then had means and money, as well as he had certain knowledge of their intentions, I do believe that these calamities that have fallen upon that town, and the counties adjoining, had been prevented. Perhaps the misinterpretation of his

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maj.'s intentions, and the misunderstanding of his actions, and, I am afraid, the too benign interpretation of the attempts, actions, and professions of the subjects in Scotland, added some impediment to that which the most of us, I hope, have lived to repent of.—His maj. howsoever, went in person to the North, to see his army ordered, and to take care for the safety and defence of this kingdom, as much as he possibly could. He had not long been there, but that which he foresaw and foretold fell out: for the Scots passed, with their army, the rivers Tweed and Tyne, and seized upon Newcastle; which of what importance it is, you all know; and then they forced contribution of the county of Northumberland, and the bishoprick of Durham, besides many other spoils and destructions that were committed.—His maj. well considering of what weight and importance this was, and then having neither time nor place to call this assembly of parl. he did resolve, as had been frequently used, to summon a great council of all the peers; that, by their advice and assistance, there might be some interruption given to the calamity that was likely to spread over the whole kingdom; and commanded writs to issue out accordingly. —This was not done to prevent, but to prepare for a parliament. It was not to clash or interfere with this assembly, by acting or ordering any thing which belongeth to this high and supreme jurisdiction; but only to give their assistance for the present, to render things more fit for this great assembly.—That his maj.'s intentions were so, is clear; for before ever any petition was delivered, or ever any speech or petition for a parliament, his maj. had resolved to call one.—The lords understood it so, as will plainly appear by the proceedings of that assembly; of which, if those that were officers and ministers there, had been come to town, upon whose help I rested for my particular instructions, I should have been better able to have given you an account; and his maj. was pleased to let you know, That when there was an occasion of any particular, you may be satisfied in it.—According to his maj.'s command, on the 24th of Sept. all the peers that were summoned, except some few, did meet; where his majesty was, in the first place, pleased to declare unto us his resolution to call a parliament; and to all our joys and contents, as he hath now done it to yours and ours, declared, 'That there was nothing he did more desire than to be rightly understood of his people:' and whosoever he be that shall go about (effect it I am sure he cannot) to attempt or endeavour to alter this gracious declaration and resolution of his maj.; or whosoever shall go about to poison the hearts of his good subjects, with an opinion that it cannot be so, or lessen the affection of his loving subjects, (for certainly never subjects of the world better loved their king than the English, nor ever did Englishmen better love a king than now) if, I say there be any such, may a curse and punishment fall upon them; but let the royal throne be established for ever.—His maj. was then pleased to tell us the cause for which he had called us together. In the first place, it was touching an answer to a petition that had been since his coming to York, and before his assembling the lords, sent unto him from those his subjects of Scotland, that were at Newcastle. The first thing that his maj. desired their advice in, was the answer to that petition. —The next thing his maj. conceived, and all that were there were of one opinion, with one voice and consent, That it was not fit his maj. should disband his army so long as the Scots army was on foot: and his majesty wished them to take into consideration, what way to have maintenance for his army in the mean time.—His maj. having opened the cause of calling them together, was pleased to express himself, That he would leave to the lords their freedom of debate, and himself was ready to have gone from the council; but, at the humble suit of the lords, he staid; and I am persuaded, that nothing was of that joy to them, as his majesty's presence; with such freedom of discourse did every man deliver himself, with such grace and sweetness did his maj. hear them, and such content did they take in his moderating, guiding, and directing those councils. —My lords, as holding it most necessary, took the latter of these two considerations propounded by his maj. into their thoughts, and that was the supplying and supporting his maj.'s army, till this parliament might take some course in it. His maj. and my lords did declare themselves, as before I have opened unto you, 'That they could never attempt, nor had the least thought to make, by any act or order, any thing tending to charge the subject, but that it might be left wholly to the supream jurisdiction;' and therefore not seeing any other way, they resolved by letters to address themselves to the city of London; and with their letters they sent half a dozen of my lords, viz. my lord Privy-Seal, my lord of Clare, who was appointed to go, but his urgent occasions prevented him, visc. Cambden, lord Coventry, lord Goring, and ****. And as these lords did express the joy and content they took in the king's grace, so the confidence they had of his gracious assistance was such, that they did freely offer themselves (and, as I dare say there is none but is yet ready) to enter into security with his maj. And the city gave an answer fit for the chamber of a king, and part of the money is already lent, and they will be ready, I assure myself, to supply the rest. For the other part, the first thing propounded by his maj. was touching the answer to be given to that petition, and to the demands of the subjects in Scotland; upon which occasion his maj. was pleased, by those great officers and ministers of his that knew best, and understood the laws and usages of that kingdom, to expound their demands particularly; and to make appear unto their lordships, upon every one, wherein they had exceeded the articles of pacification, which his maj. ever desired might

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be the square and rule of the treaty with them.—My lords took into consideration what was fit to be done; for his maj. then professed, as he did often during the time of that council, to be wholly ruled, guided, and directed by their advice: for the honour of this nation, and safety of it, he did leave it to their wisdoms and considerations, against whose advice, and without whose judgment and advice, he would do nothing.—My lords howsoever they had received this information, and explanation upon every particular of their demands, yet, in justice, they thought it was fit to hear what could be said on the other side, how the objections might be answered, and what objections might be made by them against that which seemed to be plain enough. For this purpose they were all of opinion, and his maj. was pleased to be of the same opinion, that some lords, selected and trusted by that great council, should treat with those subjects of Scotland upon all those particulars, to the end that they might see what they did clearly intend; that so a firm peace, which was most desired from us, might be had, or a just war be begun.—My lords of the great council that were appointed for that purpose, were the earls of Bedford, Hertford, Essex, Salisbury, Warwick, Bristol, Holland, and Berkshire; the barons were the lords Wharton, Paget, Kimbolton, Brook, Powlet, Howard of Escrick, Savile, and Dunsmore.—After which choice, and some general instructions proceeding from the debate and discourses in that great council, a commission under the great seal was given unto them, to enable them to treat and conclude as they, in their wisdoms and judgments, should think fit.—The place appointed for this treaty was at Ripon, where the lords commissioners wanted the happiness of that, which they and we had at York, his maj.'s presence; and that might be the occasion that more time was spent in it, than otherwise would have been: yet my lords omitted not their parts, but were desirous to look into the depth, to see the utmost extent of their demands.—But before those of Scotland could come to the main treaty, to explain themselves touching their demands, they made a preparatory demand for maintenance for their army, and did go so high as to demand 40,000*l.* a month. My lords (that were very unwilling to do any act, or make any order whatsoever, as I have opened unto you, for the sustenance, maintenance, and keeping a-foot his majesty's army, without this great assembly, which yet they all held fit should not be disbanded) were much startled at the demand of maintenance for an army which was not the king's, and which they did wish could not continue.—But my lords, as under that name they could not hear it, yet they took into consideration the miserable condition of Northumberland, Newcastle, and the Bishoprick of Durham; they took into consideration too the counties of Cumberland and Westmoreland; which, if the Scots army should enter, were scarce able, at this time, to defend themselves, and it was inconvenient to bring the king's army thither.—Nay, their lordships were satisfied, that the county of York was in danger, and that not to be prevented, but by a battle, if the Scots came on with an army: and my lords were loath, where there were such odds, that a battle should be adventured. And if the county of York should be in danger, we might quickly foresee how the danger might run over the whole kingdom.—And my lords, as well those that remained at York, as those at Ripon, having received complaints from the bishop of Durham, and from Northumberland and Newcastle; and the mayor of Newcastle being imprisoned, and some of his brethren (as was represented unto them) kept without fire or candle; and having heard of divers wastes and spoils done in the country, my lords did think fit, that since the county of Northumberland, the bishoprick of Durham, and Newcastle, had already made a composition and agreement, that they would at least ratify and confirm the composition and agreement, so as there might be a cessation of arms and acts of hostility, and that they which had fled from their dwellings in those counties, might return in safety; my lords, for these reasons, thought fit, at present, to give way unto them, rather than to hazard so great calamity and affliction as would have fallen on those counties: hereupon they did conclude for 850*l.* per diem; and this to continue for two months, if the treaty before took not effect; the two months to begin from the 16th of October: then they took articles for the cessation of arms.—So now, the state and condition of things, as they were acted, I have shortly and summarily delivered to you: I dare not venture on too many particulars, lest my memory should fail; and if I have not done his maj.'s command, I beg his maj.'s Pardon. And, my lords, of what weight and importance this is to the whole kingdom, what deep consideration it requires in our affection, what unsuspected affections we had need bring with us, is easy to judge. It is his maj.'s pleasure, that you of the house of commons repair to your own house, to chuse your Speaker, whom his maj. expects you will present to him on Thursday next, at two of the clock in the afternoon."

The Speaker's Speech.] Nov 5. The commons presented William Lenthall, of Lincoln's Inn, esq; for their Speaker; who, with the usual ceremonies, was approved of by the king, after which he made the following speech:

"Most gracious and dread sovereign, In all submissive humbleness the knights, citizens, and burgesses of the house of commons are here assembled; who, taking along with them your gracious inclination, have designed me their Speaker, according to their antient liberties. Whereas I cannot but lament to think, how great a mist may overcast the hopes of this session; yet it is a note of favour to me, who cannot but judge myself unfit for so great an employment, and which appears so to the

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whole world. Many there be of deep judgment, and great experience, that might have added lustre to this action, and expedition to the work, if they had pleased to have left me in that mean condition they found me;

'Non mihi tacuisse nocet, nocet esse locutum.'

and then might your sacred and pious intentions have had their full advancement.—But is it yet too late? May I not appeal to Cæsar? Yes, I may; and, in the lowest posture of humility, I humbly beseech your sacred majesty to interpose your royal authority to command a review of the house, for there were never more than now fitted for such employments."—[Then my lord keeper, by his maj.'s direction, approved of him and the commons choice; upon which he proceeded thus:] It pleaseth not your maj. to vouchsafe a change: actions of kings are not to be by me reasoned. Therefore, being emboldened by this gracious approbation, give me leave a little, dread sovereign, to express my thoughts unto our gracious lord the king.—I see before my eyes the majesty of Great Britain, the glory of times, the history of honour, Charles 1. in his forefront, placed by descent of antient kings, settled by a long succession, and continued to us by a pious and peaceful government.—On the one side, the monument of glory, the progeny of valiant and puissant princes, the queen's most excellent majesty. On the other side, the hopes of posterity, the joy of this nation, those olive branches set around your tables, emblems of peace to posterity. Here shine those lights and lamps placed in a mount, which attend your sacred maj. as supreme head, and borrow from you the splendor of their government.—There the true state of nobility, figures of prowess and magnanimity, fitted, by the long contracted honour in their blood, for the council of princes.—In the midst of these, the reverend judges, whither both parties (as to the oracles of judgment and justice) may resort: cisterns that hold fair waters, wherein each deviation, each wrinkle is discernable; and from whence, as from the center, each crooked line ought to be levelled: the footstool of your throne is fixed there, which renders you glorious to all posterity.—Here we the knights, citizens, and burgesses of the commons house, at your royal feet, contracted from all parts of your kingdom, ensigns of obedience and humility; all these united by the law equally distributed, which cements this great body to the obedience of your sacred maj. and compels as well the hearts as the hands, to contribute for the preservation of your majesty and the common interest; dissipates the invaders of the church and commonwealth, and discovers the impostors; but, give me leave, dread sovereign, knits the crown to the sacred temples, and frees maj. from the interpretation of misdoing. Amongst these, this great council is most sovereign against the distempers of this nation.—Were they infested at sea, troubled at home, or invaded from abroad, here was the sanctuary of refuge; hither was the resort; and no other way found for a foundation of peace:—It is reported of Constantine the Great, that he accounted his subjects purse his exchequer: and so it is. Subtle inventions may pick the purse, but nothing can open it but a parliament, which lets in the eye of sovereignty upon the public maladies of the state, and vigilancy for the preservation of our antient liberties. For this we need not search into antiquity; if we look but a little back, there we shall see our just liberties graciously confirmed by your most sacred majesty.—And is our happiness shut up in the remembrance of times past only? No; those gracious expressions lately fallen from your sacred lips, as honey from the comb, make glad the hearts of your people.—So that now we do more than promise to ourselves a large and free consideration of the ways to compose the distempers of these kingdoms, and then present them to your royal hands for perfection.—And such shall be our deportment, that as we shall labour the continuance of our liberties, so shall we carry a high regard to preserve that sovereign power, wherewith your maj. is invested for the preservation of your kingdom, and to render your sacred maj. terrible to the nations abroad, and glorious at home.—Are these the fruits we have enjoyed by parliaments? We cannot then but wonder at that horrid invention in this place projected, 'Monstrum horrendum, informe, ingens;' but, the Lord be thanked, 'cui lumen ademptum est.' Can this receive a palliation? Men, fathers, and brethren, and all at one blast! No reverence to sacred bones of princes! Were we not all in a lump by them intended to be offered up to Moloch? Let us never forget this day's solemnization. But whither! It is too much boldnes to presume longer upon your maj.'s grace and goodness; and therefore, for the better expedition of this service, we humbly desire, 1. That ourselves and servants may obtain freedom from arrest of their persons and goods. 2. That we may have free liberty of speech, without confinement, with a full and free debate. 3. That your maj. will vouchsafe our repair to your sacred person, upon matters of importance, according to the antient privileges of the house. That with such alacrity we may now proceed to manifest to the world that our retirements were to reinforce a greater unity and duty; and to endeavour a sweet violence, which may compel (pardon, dread sovereign, the word 'compel') your majesty to the love of parliaments. And God will have the honour; your sacred majesty, the splendor; the kingdom, safety; and all our votes shall pass, That your sacred majesty may long, long, long reign over us, and let all the people say, Amen."

The King's Speech to the Lords.] The commons being withdrawn, the king again spoke to the lords, in particular, in these words:

"My lords, I do expect that you will hastily make relation to the house of commons, of

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those great affairs, for which I have called you hither at this time; and also the trust I have reposed in them, and how freely I put myself on their love and affections; and that you may know the better how to do so, I shall explain myself as concerning one thing I spoke the last day: I told you the rebels must be put out of this kingdom; it is true I must needs call them so, so long as they have an army that doth invade us; and although I am under treaty with them, and under my great seal do call them my subjects; for so they are too. But the state of my affairs in short is this; it is true I did expect, when I called my lords and great ones at York, to have given a gracious answer to all their Grievances; for I was in good hopes, by their wisdoms and assistances, to have made an end of that business; but I must tell you you, that my subjects of Scotland did so delay them, that it was not possible to end there.—Therefore I can no ways blame my lords that were at Ripon, that the treaty was not ended; but must thank them for their pains and industry; and certainly had they as much power as affections, I should, by that time, have brought these distempers to a happy period: so that now the treaty is transported from Ripon to London; where I shall conclude nothing without your knowledge, and, I doubt not, but by your approbation; for I do not desire to have this great work done in a corner. I shall open all the steps of this misunderstanding, and causes of this great difference between me and my subjects of Scotland; and I doubt not, by your assistance, to make them know their duty, and to make them return, whether they will or no."

In order to set the proceedings of both houses in a clearer light, we shall give the preference to those of the commons; since all or most of the material articles had their origin in that house; subjoining, from day to day, the proceedings of the lords, as they concurred with the others, or started any new matter of themselves.

The Commons appoint several Committees.] Nov. 6. The commons resolved to move the lords to join with them in a petition to his maj. to appoint a day for a Fast. Several committees were appointed, viz. for privileges, for elections, for religion, for grievances, for courts of justice, for trade, and for Irish affairs. This last was debated, whether it should be referred to a committee of the whole house, or a select one: on a division, it was carried for the former, 165 againt 152.

Nov. 7. A resolution passed, "That Mr. Henry Burton, Dr. John Bastwick and Mr. Prynn shall be sent for forthwith, by warrant of the house; and withal to certify by whose warrant and authority they were detained." This affair will be taken notice of in the sequel.

Speeches relating to Grievances.] Grievances being the first thing complained of in the house, in petitions from several counties, and supported by the members who presented them, the first speech we meet with, made in this parliament, after the king's and other ceremonial ones were ended, was by Mr. Pym; wherein he seems to have summed up all the national Grievances together. It is as follows:*

Nov. 7. Mr. *Pym* stood up, and said:—'To redress Grievances will not hinder but further the king's service. To take away the weights, as much advantages motion, as to add wings. His method was, 1. Several Heads of Grievances: 2. Hurtful to the king as to the people. 3. And the Remedy equally good to both of them. That the king can do no wrong; the law casts it upon the ministers. The influence of Heaven conveyeth vigour into the sublunary creatures; but the malignity of all epidemical diseases proceeds from the ill affected qualities of the earth or air.—His order was to mention three Grievances, 1. Against Privilege of Parliament. 2. Prejudice of Religion. 3. Liberty of the Subjects. For the 1st: the members are to be free from arrests; to have liberty of speech; a legislative, judiciary, and consiliary power being to the body public, as the faculties of the soul to a man. These privileges have been broken: 1. In restraining the members from speaking. 2. In forbidding the Speaker to put a question: both of these practised in the last parliament. 3. By imprisoning divers members for matters done in parliament. 4. By proceedings against them therefore in the inferiour courts. 5. Enjoining their good behaviour, and continuance in prison even to death. 6. In abrupt dissolution of parliaments, the great grievance; like the execution of a man, without being heard. It receives a being by the summons, and a civil death by dissolution; not only thereby to die, but to be made *intestabiles*, not to make their wills.—The 2nd, Incouragement to Popery: 1. By suspension of all laws against them: that there can be no security from Papists, but in their disability; their principles being incompatible with any other religion; laws will not restrain them, oaths will not, the Pope dispenseth with both; and his command acts them against the realm in spirituals, and in temporals ad spiritualia. Hen 3. and Henry 4. of France were no protestants, yet were murdered because they tolerated reformation. 2. Their places of trust and honour in the commonwealth. 3. Their free resort to London and to the court, to communicate their counsels and designs, diving into the secrets of state. 4. That as they have a congregation of cardinals at Rome, for advancing the Pope's authority in England, so have they a nuncio here to the execution thereof.—Innovations of Religion introduced: 1. Maintenance of Popish tenets in books, sermons, and disputations. 2.

* From a book, intitled, 'Speeches and Passages of this great and happy Parliament, from the 3d of Nov. 1640, to this instant June 1641, collected into one volume, and, according to the most perfect originals, exactly published.' Printed for Wm. Cook, at Furnifall's-Inn-Gate, Holborn, 1641.

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Practise of Popish ceremonies countenanced and enjoined; as, altars, images, crucifixes, bowings; he compared these to the dry bones in Ezekiel, which first came together, then sinews and flesh came upon them, afterwards the skin covered them, and then breath and life was put into them; so first the form, then the spirit and life of Popery. 3. Preferment of persons popishly affected. 4. Discouragement of protestants, by over rigid prosecutions of the scrupulous for things indifferent, no vice made so great as nonconformity; by punishing, without law, for not reading the book of Sunday Recreations; for not removing the communion-table altar-wise; not coming to the rails to receive the communion; for preaching on the Lord's day after noon; for catechizing otherwise than as in the short catechism in the Common-Prayer Book. 5. And lastly, was the incroachment of ecclesiastical jurisdiction, particularly, 1. In fining and imprisoning without law. 2. Challenging their jurisdiction to be appropriate to their order, jure divino. 3. Contriving and publishing new Articles of Visitation, and new Canons; the boldness of bishops and all their subordinate officers and officials.—The 3rd part of Grievances; in which discovery he observed rather the order of time when they were acted, than of the consequence; but when he comes after to the cure, then he will persuade to begin with the most important; namely, Tonnage and Poundage, and the late new Book of Rates, taken by prerogative without grant of parliament; from whence these inconveniences follow: 1. Men's goods are seized, and their suits in law stopped. 2. Misimployment of the sums of money imposed, intended for the guard of the sea, which are disbursed to other uses, and a new tax raised for the same purpose. 3. The burthen excessive, trade hindered, home commodities abased, and foreign inhanced; by which means the stock of the kingdom is diminished, especially insupportable to the poor planters in America, by the tax upon Tobacco.—The 4th general Grievance, Composition for Knighthood; which, though it refers to a former custom, yet, upon the same grounds, the king may renew it by a new fine; immoderate multiplication of distress and issues, and enforced to compound with the commissioners; inundation of monopolies by the Soap Patent, undertaken by papists, full of mischief; 1. By impairing the goodness and inhancing the price of salt, soap, beer, and coals. 2. Under colour of which, trade was restrained to a few hands. 3. Many illegally imprisoned.—The great and unparalleled Grievance of Ship-Money being aggravated, not supported by the judgment; which is not grounded upon law, custom, precedent, or authority. It being improper for a case of necessity, abounding in variety of mischiefs; as, 1. The general extent to all persons, all times, and the subject left remediless. 2. The arbitrary proportion without limits. 3. Imposed by writ, and disposed by instructions: improper for the office of a sheriff in the inland counties, and inconvenient for the inhabitants; without rule or suitable means for the levying or managing of it.—The Inlargement of Forests beyond the bounds of the statute 28 Edw. I. which perambulations then were the cause, after, of that famous Charta de Foresta; and now reviving those old questions, new distempers may follow. The particular obliquities he numbered thus, 1. Surreptitious proceedings, as in Essex; yet that verdict was inforced in other counties, and a judgment upon the matter, after 3 or 400 years quiet possession of the subject, enforced to compound for great fines.—The selling of Nuisances. The king, as a father of the commonwealth, is to take care of the public commodities and advantages of the subjects; as rivers, highways, common sewers, by ordinary writs ad quod damnum; but now, by a course extrajudicial, by enforcing compositions: so then, if a nuisance be compounded for, it is a hurt to the people; if no nuisance, then it is used to the party's prejudice.—The commission for Buildings about London, which was presented as a grievance in the time of king James, is now much more increased, and more prejudicial. The commission for Depopulations began some few years since. By both these commissions the subject is restrained from disposing of his own; demolishing their houses, punishing and fining their persons, so that they are still liable by law; for the king cannot licence a nuisance; and although these are not nuisances, yet it is an ill consequence to be compounded for, and may make a precedent for kings to licence such things as are nuisances indeed.—Military Charges ought not to be laid upon the people by warrant of the king's hand, nor by letters of the council-table, nor by order of the lords lieutenants of the counties nor their deputies. It began to be practised as a loan, for supply of coat and conduct-money, in queen Elizabeth's time, with promise to be repaid it; as appears by a constat warrant in the exchequer, and certain payments; but now a-days never repaid. The first particular brought into a tax was the Muster-Master's wages; which being but for small sums was generally digested; yet, in the last parliament, it was designed to be remedied: but now there follows, 1. Pressing of men against their wills, or to find others. 2. Provisions for public magazines of powder, spades, and pickaxes. 3. Salary of officers, cart-horses and carts, and such like.—The extrajudicial Declarations of Judges, without hearing of counsel or argument; a teeming grievance of many others.—Monopolies countenanced by the council-table, and the clause in their patents of monopoly, commanding the justices of peace to assist them; whereby the great ability of the council receive a stain by such matters of so mean a report in the estimation of law, so ill in the apprehension of the people.—The high court of Star-Chamber, called, in the parliament rolls, Magnum Concilium, to which the parliaments were wont to refer such matters as they had not time to de-

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termine. A court erected against oppression; a court of council, and a court of justice; now an instrument of erecting and defending monopolies to set a face of public good upon things pernicious, as soap, ship-money, &c.—This great and most eminent power of the king, Edicts, Proclamations, called leges temporis, which used heretofore to encounter with sudden and unexpected danger, until the great council of the kingdom could be called, hath of late been exercised for enjoining and maintaining monopolies.—But the last and greatest grievance led him to a step higher, even as high as Heaven, as high as the Throne of God, his Word and truth. The ambitious and corrupt clergy, preaching down the laws of God and liberties of the kingdom, pretending divine authority and absolute power in the king to do what he will with us; and this preaching is the high way to preferment, as one Manwaring, sentenced the last parliament, 'then a doctor, now a bishop, preferred for his doctrines.—The Intermission of Parliaments, contrary to the statute, to be called once a year; the main cause, therefore, of all mischiefs, to which parliaments give remedy.—That these grievances are as hurtful to the king as to the subject; by interrupting their communion: for they have need of his general pardon, and to be secured from projectors and informers, to be freed from obsolete laws, and from the subtil devices of such who seek to strain the prerogative to their own private advantage and to the publick hurt; and the king hath need of them for counsel and support. Queen Elizabeth's victorious attempts were, for the greatest part, made upon the subjects purses, and not upon hers, though the honour and profit was hers. That these discontents diminish the king's reputation abroad, and disadvantage his treaties, and weaken his party beyond seas, by encouraging popery; by forcing the subjects to leave the kingdom, to the prejudice of the king's customs and subsidies; divers clothiers forced away, who set up their manufacture abroad, to the hurt of the kingdom. The king hath received upon the monopoly of Wines, 30,000*l.* per ann. the vintner pays 40*s.* a tun, which comes to 90,000*l.* the price upon the subject, by retail, increased 2*d.* a quart which comes to 8*l.* a ton; so, 45,000 tons brought in yearly, amounts to 360,000*l.* which is 330,000*l.* loss to the kingdom, above the king's receipt.—Now the Remedies consist of two main branches; in declaring the law where it is doubtful, and in provision for the execution of the law where it was clear; but these he referred to a further time; and, for the present, he advised speedily to desire a conference with the lords, and always to humble themselves to God for his assistance.'

Sir *Benj. Rudyard*, member for Wilton, made the following speech the same day:—'Mr. Speaker; We are here assembled to do God's business and the king's in which our own is included, as we are christians, as we are subjects. Let us fear God, then shall we honour the king the more; for I am afraid we have been the less prosperous in parliaments, because we have preferred other matters before him. Let religion be our primum quærite, for all things else are but etcæteras to it; yet we may have them too, sooner and surer, if we give God his precedence.—We well know what disturbance hath been brought upon the church, for vain petty trifles. How the whole church, the whole kingdom hath been troubled, where to place a metaphor, an altar. We have seen ministers, their wives, children, and families undone, against law, against conscience, against all bowels of compassion, about not dancing upon Sundays. What do these sort of men think will become of themselves, when the master of the house shall come, and find them thus beating their fellow-servants? These inventions are but sieves made of purpose to winnow the best men; and that's the devil's occupation. They have a mind to worry preaching, for I never yet heard of any but diligent preachers that were vexed with these and the like devices. They despise prophecy, and, as one said, 'They would fain be at something more like the mass, that will not bite. A muzzled religion.' They would evaporate and dispirit the power and vigour of religion, by drawing it out into some solemn specious formalities, into obsolete, antiquitated ceremonies, new furbished up. And this, belike, is the good work in hand, which Dr. Heylin hath so often celebrated in his bold pamphlets. All their acts and actions are so full of mixtures, involutions, and complications, as nothing is clear, nothing sincere in any of their proceedings: let them not say, that these are the perverse, suspicious and malicious interpretations of some few factious spirits amongst us, when a romanist hath bragged, and been congratulated in print, That the face of our church begins to alter, and the language of our religion to change. And Sancta Clara hath published, That if a synod were held, non intermixtis puritanis, setting puritans aside, our Articles and their Religion would soon be agreed. They have so brought it to pass, that, under the name of puritans, all our religion is branded, and, under a few hard words against Jesuits, all popery is countenanced.—Whosoever squares his actions by any rule, either divine or human, he is a Puritan. Whoever would be governed by the king's laws, he is a Puritan. He that will not do whatsoever other men would have him do, he is a Puritan. Their great work, their masterpiece now is, to make all those of the religion to be the suspected party of the kingdom.—Let us further reflect upon the ill effect these courses have wrought, what by a defection from us on the one side, a separation on the other; some imagining whither we are tending, made haste to turn, or declare themselves Papists beforehand, thereby hoping to render themselves the more gracious, the more acceptable. A great multitude of the king's subjects, striving to hold

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communion with us, but seeing how far we were gone, and fearing how much further we would go, were forced to fly the land; some into other inhabited countries, very many into savage wildernesses, because this land would not bear them. Do not they that cause these things cast a reproach upon the government?—Mr. Speaker; let it be our principal care, that these ways neither continue nor return upon us. If we secure our religion, we shall cut off and defeat many plots that are now on foot by them and others. Believe it, sir, religion hath been for a long time, and still is, the great design upon this kingdom. It is a known and practised principle, that they who would introduce another religion into the church, must first trouble and disorder the government of the state, that so they may work their ends in a confusion which now lies at the door.—I come next to the king's business more particularly; which indeed is the kingdom's; for one hath no existence, no being without the other, their relation is so near; yet some have strongly and subtilly laboured a divorce; which hath been the very bane both of king and kingdom. When the foundation is shaken, it is high time to look to the building. He hath no heart, no head, no soul, that is not moved in his whole man, to look upon the distresses, the miseries of the commonwealth; that is not forward in all that he is, and hath, to redress them in a right way. —The king likewise is reduced to great straits, wherein it were undutifulness, nay inhumanity, to take advantage of him: let us rather make it an advantage for him, to do him best service when he hath most need. Not to seek our own good, but in him, and with him; else we shall commit the same crimes ourselves, which we must condemn in others. His maj. hath clearly and freely put himself into the hands of this parliament; and, I presume, there is not a man in this house but feels himself advanced in this high trust: but if he prosper no better in our hands than he hath done in theirs, who have hitherto had the handling of his affairs, we shall for ever make ourselves unworthy of so gracious a confidence. —I have often thought, and said, that it must be some great extremity that would recover and rectify this state; and, when that extremity did come it would be a great hazard whether it might prove a remedy, or ruin. We are now upon that vertical turning point, and therefore it is no time to palliate, to foment our own undoing. Let us set upon the remedy, we must first know the disease: but to discover the diseases of the state is, according to some, to traduce the government; yet others are of opinion, that this is the half-way to the cure.—His maj. is wiser than they that had advised him, and therefore he cannot but see and feel their subverting destructive counsels, which speak louder than I can speak of them; for they ring a doleful deadly knell over the whole kingdom. His maj. best knows who they are; for us, let the matters bolt out: the men; their actions discover them. They are men that talk largely of the king's service, have done none but their own; and that's too evident. They speak highly of the king's power, but they have made it a miserable power, that produceth nothing but weakness both to the king and kingdom. They have exhausted the king's revenue to the bottom, nay through the bottom, and beyond. They have spent vast sums of money wastefully, fruitlessly, dangerously: so that more money, without other counsels, will be but a swift undoing. They have always, peremptorily, pursued one obstinate pernicious course. First they bring things to an extremity, then they make that extremity, of their own making, the reason of their next action, seven times worse than the former; and there we are at this instant. They have almost spoiled the best instituted government in the world, for sovereignty in a king, liberty to the subject; the proportionable temper of both which, makes the happiest state for power, for riches, for duration. They have unmannerly and slubbringly cast all their projects, all their machinations upon the king; which no wise or good minister ever did, but would still take all harsh distasteful things upon themselves, to clear, to sweeten their master. They have not suffered his maj. to appear unto his people in his own native goodness. They have eclipsed him by their interposition; although gross condense bodies may obscure and hinder the sun from shining out, yet is he still the same in his own splendor: and when they are removed, all creatures under him are directed by his light; comforted by his beams: but they have framed a superstitious seeming maxim of state for their own turn, 'That if a king will suffer men to be torn from him, he shall never have any good service done him:' when the plain truth is, that this is the surest way to preserve a king from having ill servants about him. And the divine truth likewise is, 'Take away the wicked from before the king, and his throne shall be established.'—Mr. Speaker; now we see what the sores are in general, and when more particulars appear, let us be very careful to draw out the cores of them; not to skin them over with a slight, suppurating, festring cure, lest they break out again into a greater mischief; consider of it, consult and speak your minds.—It hath heretofore been boasted, 'That the king should never call a parliament till he had no need of his people.' These were words of division and malignity. The king must always, according to his occasions, have use of his people's power, hearts, hands, purses. The people will always have need of the king's clemency, justice, protection: and this reciprocation is the strongest, the sweetest union. It hath been said too, of late, 'That a parliament will take more from the king than they will give him.' It may be well said, that those things which will fall away of themselves, will enable the subjects to give him more than can be taken any way else. projects and monopolies are but leaking con-

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duit-pipes; the Exchequer itself, at the fullest is but a cistern, and now a broken one; frequent parliaments only are the fountain: and I do not doubt but in this parliament, as we shall be free in our advices, so shall we be the more free of our purses, that his majesty may experimentally find the real difference of better counsels, the true solid grounds of raising and establishing his greatness, never to be brought again (by God's blessing) to such dangerous, such such desperate perplexities. Mr. Speaker, I confess I have now gone in a way much against my nature, and somewhat against my custom heretofore used in this place; but the deplorable, dismal condition both of church and state have so far wrought upon my judgment, as it hath convinced my disposition: yet I am not vir sanguinum, I love no man's ruin; I thank God, I neither hate any man's person, nor envy any man's good fortune; only I am zealous for a thorough reformation in a time that exacts it, that extorts it; which I humbly beseech this house may be done with as much lenity, and as much moderation, as the public safety of the king and kingdom can possibly admit.'

Sir *John Holland*, member for Castle-rising, Norfolk, spoke to the following effect: 'Mr. Speaker; The time of actions are not for rhetorick and elocution, which emboldens me to rise: and though I must acknowledge myself to be one of the youngest scholars and meanest proficients in this great school of wisdom, yet I conceive it a great part of my duty, at this time, both to deliver my suit and conscience.—We are called hither, by the royal power: we sit here by the king's majesty's grace and favour; and since his maj. hath been graciously pleased to leave the government of all in our hands, I doubt not but we shall lay such a foundation in the beginning of this parliament, that we shall make it a happy age, and a long and lasting one: since the dangers of these times, the present distempers of this state, and therein both his majesty's and our necessities, yea and the whole kingdom's safety, do require it.—We are now called, Mr. Speaker, as I conceive from the reports you have made of his majesty's gracious Declaration, for 4 principal causes: 1. For Supply of his majesty's Wants. 2. For the relief of our brethren in the Northern parts. 3. For the Remove of the Scots Forces. 4. For Redress of our own Grievances. That his majesty's wants are great and many, I think there is no man doubts it; and it is as certain our grievances are so too; they are great and many both in church and commonwealth: I shall but touch them in either, since they have been so fully remonstrated in both. 1. In the Church; by the usurping power of some prelates and their adherents; by which means many great dangers, innovations of doctrines, of discipline, and of government have been thrust upon us. 2. In the Church; by public sufferances of Priests and Jesuits to come into the land; by which means the number of Romish Catholics are dangerously multiplied, idolatry increased, and God's heavy judgments highly provoked. 3. In the commonwealth; by the late inundations of the prerogative royal, which have broken out and almost overturned all our liberties, even those which have been best and strongest fortified: the Grand Charta itself, that which hath been so oft, so solemnly confirmed in the succession of so many princes, ratified in his majesty's name, founded by the wisdom of former ages, purposely to keep the beam over and between sovereignty; even this, the dearest and chiefest part of our inheritance, hath been infringed, broken, and set at nought in the commonwealth, by the over-potency of some great ones, secret counsellors of state; by whose advice, it is thought, the greatest part of these present distempers, under which the body of this commonwealth at this time labours, do derive their originals. 4. In the Commonwealth; by the mischievous practices and policies of some subtle projectors; who, under the title of the king's profit and the public good, have intitled themselves to great and vast estates, and that to the damage of the whole kingdom. They are, Mr. Speaker, the very moths and cankers that have fretten and eaten out all the trade and commerce, the very beauty, strength and health of this famous island. In the Commonwealth, by the entertainment of Foreigners and Strangers, and that at his majesty's excessive charge; by which means his coffers are empty, his revenues shortened, and the whole kingdom many other ways oppressed.—But I shall not trouble myself any farther in so vast, so large a field; I shall now represent my own weak apprehensions, for our progression in all the particulars for which we have been called, and in all humility submit them unto you. 1. Of Supply in his majesty's Wants; I do humbly desire we may proceed therewith in its due time, and that with as much loyal duty and liberality as ever any people expressed towards their prince. I think I may say the present affairs of the kingdom do require it. 2. For the Relief of our brethren in the Northern parts; with a sense of charity and fellow-feeling of their miseries, afflictions, and losses. 3. In removing of the Scots army with a soft and gentle mediation, pacification, and reconciliation, if possibly it may be wrought with his majesty's honour, and the kingdom's safety; if not, then to repel and repulse them with stout and resolute spirits, with valiant and united hearts and hands, such as will best suit with our duty to God, our king, our country; such as shall best become his honour, and the antient renown of this English nation. 4. In redress of our Grievances in those of the church, which ought to have priority in our consultation, as well in respect of necessity as dignity. In these, I do humbly desire, and doubt not but we shall proceed with all true piety, and well grounded zeal guiding us towards God's house, and his truth. In those of the commonalty, with a religious care of our country's freedom;

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in the faithful performance of the trust reposed in us by them that sent us; in the preservation of our rights, our liberties, our privileges, and our properties. Yet in all, Mr. Speaker, I do humbly desire we may proceed as best suiting the matter and condition of these distempered times, or as best becoming the honour, dignity, and wisdom of this so great a court, so great a council, with all temper, modesty, and all due moderation.'

Mr. *Bagshaw*, member for Southwark, closed this debate with the following speech:—'I had rather act than speak in those weighty businesses of the kingdom, which have been so excellently handled by the three worthy gentlemen that spoke last, and therefore I shall be short. For when I look upon the body of this goodly and flourishing kingdom in matters of Religion, and of our laws (for, like Hypocrates's twins, they live and die together); I say when I behold these in that state and plight, as they have been represented to us, flere magis libet quam dicere: but this is our comfort, Mr. Speaker, that we are all met together for the welfare and happiness of prince and people; and who knows whether this may not be the appointed time, wherein God will restore our religion as at the first, and our laws as at the beginning. The honour of a king consisteth in the wealth of his people: this undoubted maxim his maj. hath made good by his late gracious speech and promise to us to redress all our grievances, to destroy the enemies of our peace and plenty. To make a people rich, they must have ease and justice: ease in their consciences from the bane of superstition, from the intolerable burthen of innovation in religion, and from the racks and tortures of strange and new fangled oaths: they must be eased in their persons, being liberi homines and not villani, from all illegal arrests and imprisonment against Magna Charta, being our greatest liberties. They must be eased in their lands, from Forests, where never any deer fed; from Depopulations, where never any farm was decayed; and from Inclosures, where never any hedges were set. And must, lastly, be eased in their Goods from the exactions and expilations of pursuivants and apparitors, of projectors and monopolists, 'Humanarum calamitatum mercatores,' as an antient finely calls them. But if the people have all these easements, yet, if they have not justice, they cannot subsist: justice is to the civil body as food to the natural: if the streams of justice be, by unrighteousness, turned into gall and wormwood, or by cruelty, like the Egyptian waters, be turned into blood, those who drink of these brooks must needs die and perish.—The law saith, That all justice is in the king; who is stiled in our books, Fons Justitiæ, and he commits it to his judges for the execution; wherein he trusts them with two of the chiefest flowers which belong to his crown, the administration of his justice, and the exposition of his laws; but he will not trust them without an oath required of them, by the statute of 18 Edw. 3. which is so strict and severe, that it made a judge, whom I know, though honest and strict, yet to quake and tremble at the very mention of it. The effect of the oath is, That they should do equal law and execution of right to all the king's subjects, poor as well as rich, without regard of any person: that they should not deny to do common right to any man by the king's letters, nor for any other cause: and in case such letters do come, that they proceed to do the law notwithstanding such letters, or for any other causes, as they will answer to the king in bodies, goods, and lands. How this oath hath been performed, we have seen and felt, I need say no more. But when I cast mine eyes upon the inferior courts of justice, wherein no such oath is required, I mean the high commission, and other ecclesiastical courts, my soul hath bled for the wrong pressures, which I have observed to have been done and committed in these courts against the king's good people, especially for the most monstrous abuse of the oath ex officio; which, as it is now used, I can call no other than carnificina conscientiæ. I have some reason to know this, that have been an attendant to the court these 5 years for myself and a dear friend of mine, some time knight for our shire, for a mere trivial business; that the most that could be proved against him, was the putting on his hat in the time of sermon. Of which court I shall say more, and make good what I say, when those ulcers come to be opened.—Mr. Speaker, I say these three worthies, that spake before me, have told you of our miseries; but I cannot tell you of the remedies; for things are come to that height, that I may say, as Livy said of the Roman state in his time, 'Nec vitia nostra scire possumus nec remedia;' for no laws will now do us good. Better laws could not have been made than the statute of Monopolies against Projectors, and the Petition of Right against the infringers of liberties; and yet, as if the law had been the author of them, there hath been, within these few years, more monopolies and infringement of liberties, than have been in any age since the Conquest; and if all those vile harlots, as queen Elizabeth called them, that have been the authors of those evils, and the troublers of our Israel, do go unpunished, it will never be better with us; for now, during parliament, like frozen snakes, their poison dries up; but let the parliament dissolve, and then their poison melts and scatters abroad, and doth more hurt than ever. What then must be done? Why, what the plaister cannot do, must be done by the saw;

'Ense recidendum est, ne pars sincera trahatur.'

I cannot better English it, than in the words of a king, 'Let them be cut off in their wickedness that have framed mischief as a law.' My conclusion is this, let the woful violation of the statute of Monopolies and the Petition of Right be made felony, or premunire at the

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least; but yet, in the interim, let them be made examples of punishment, who have been the authors of all those miseries, according to the counsel of Solomon, 'Take away the wicked from before the king, and his throne shall be established in righteousness.'

A Fast appointed, &c.] Nov. 9. A day for a solemn Fast, with the consent of the king, was appointed. The next Lord's Day, after the fast, ordered for all the members to receive the sacrament. A select committee to see this punctually obeyed, and to take care that no Papist sit amongst them: to inquire what number of Papists are in London, and ten miles round it, and how armed, &c.—The same day the lord keeper signified to the lords, 'That his maj. taking notice at this time, of an extraordinary confluence of Popish Recusants to the cities of London and Westminster and the places adjacent, hath been graciously pleased, for preventing all inconveniences that may thence arise, to resolve of setting forth a Proclamation for their departure, and disarming with all speed. Also that because his maj. had been informed some jealousies had grown on his making a Constable of the Tower, and putting in a garrison there; which he did in favour of the city, to prevent the insolencies of base and loose people, his maj. had resolved that it should be left as before, without any constable or garrison.

Resolution against Monopolists.] This day, it was Resolved, upon the question, "That all Projectors and Monopolists whatsoever; or that have any share, or lately have had any share, in any monopolies; or that do receive, or lately have received, any benefit from any Monopoly or Project; or that have procured any warrant or command for the restraint or molesting of any that have refused to conform themselves to any such Proclamations or Projects; are disabled, by order of this house, to sit here in this house: and, if any man here knows any Monopolist, that he shall nominate him: That any member of this house, that is a monopolist or projector, shall repair to Mr. Speaker, that a new warrant may issue forth; or otherwise, that he shall be dealt with as with a stranger, that hath no power to sit here." Resolved, upon the question, "That the word 'unlawful' should be joined to the word Monopolists."

This day the house resumed the affair of Grievances: upon this occasion

The lord *Digby*, eldest son of the earl of Bristol, and member for the county of Dorset, spoke as follows:—"Mr. Speaker; You have received now a solemn account from most of the shires of England, of the several Grievances and oppressions they sustain, and nothing as yet from Dorsetshire. Sir, I would not have you think that I serve for a land of Goshen; that we live there in sun-shine, whilst darkness and plagues overspread the rest of the land. As little would I have you think, that being under the same sharp measure as the rest, we are either insensible or benumbed, or that that shire wanteth a servant to represent its sufferings boldly.—It is true, the county of Dorset hath not digested its complaints into that formal way of petition, which others, I see, have done; but have entrusted them to my partners and my delivery of them, by word of mouth, to this honourable house. And there was given unto us, in the county-court, the day of our election, a short memorial of the heads of them, which was read in the hearing of the free-holders there present, who all unanimously, with one voice, signified upon each particular, that it was their desire, that we should represent them to the parliament; which, with your leave, I shall do, and these they are: 1. The great and intolerable burthen of Ship-Money, touching the legality whereof they are unsatisfied. 2. The many great abuses in pressing of Soldiers, and raising Monies concerning the same. 3. The multitude of Monopolies. 4. The new Canon, and the Oath to be taken by lawyers, divines, &c. 5. The oath required to be taken by church-officers, to present according to articles new and unusual.—Besides this, there was likewise presented to us, by a very considerable part of the clergy of that county, a note of remembrance containing these two particulars: 1. The Imposition of the new oath required to be taken by all ministers and others; which they conceive to be illegal, and such as they cannot take with a good conscience. 2. The requiring of a pretended Benevolence, but, in effect, a Subsidy, under the penalty of suspension, excommunication and deprivation, all benefit of appeal excluded.—This is all we had particularly in charge; but, that I may not appear a remiss servant of my country and of this house, give me leave to add somewhat of my own sense. Truly, Mr. Speaker, the injurious sufferings of some worthy members of this house, since the dissolution of the two last parliaments, are so fresh in my memory, that I was resolved not to open my mouth in any business, wherein freedom and plain dealing were requisite, until such time as the breach of our privileges were vindicated, and the safety of speech settled. But since such excellent members of our house thought fit, the other day, to lay aside that caution, and to discharge their souls so freely in the way of zeal to his majesty's service and their country's good, I shall interpret that confidence of theirs for a lucky omen to this parliament, and, with your permission, licence my thoughts too a little.'—Under those heads which I proposed to you, as the Grievances of Dorsetshire, I suppose are comprized the greatest part of the mischiefs which have, of late years, laid battery either to our estates or consciences. Sir, I do not conceive this the fit season to search and ventilate particulars, yet I profess I cannot forbear to add somewhat to what was said, the last day, by a learned gentleman of the long robe, concerning the acts of that reverend new synod, made of an old convocation. Doth not every parliament-man's heart rise to see the

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prelates thus usurp to themselves the grand pre-eminence of parliament? The granting of Subsidies, and that under so preposterous a name as of a Benevolence, for that which is a Malevolence indeed; a Malevolence, I am confident, in those that granted it, against parliaments; and a Malevolence surely in those that refuse it, against those that granted it; for how can it incite less, when they see wrested from them what they are not willing to part with, under no less a penalty than the loss both of Heaven and earth; of Heaven, by excommunication; and of the earth, by deprivation; and this without redemption by appeal? What good christian can think with patience on such an ensnaring Oath, as that which is, by the new Canons, enjoined to be taken by all ministers, lawyers, physicians, and graduates in the universities? Where, besides the swearing such an impertinence, as that things necessary to salvation are contained in discipline; besides the swearing those to be of divine right, which amongst the learned never pretended to it, as the arch things in our hierarchy; besides the swearing not to consent to the change of that, which the state may, upon great reason, think fit to alter; besides the bottomless perjury of an etcætera; besides all this, Mr. Speaker, men must swear that they swear freely and voluntarily what they are compelled unto; and, lastly, that they swear that oath in the literal sense, whereof no two of the makers themselves, that I have heard of, could ever agree in the understanding.—In a word, Mr. Speaker, to tell you my opinion of this oath, it is a covenant against the king for bishops and hierarchy, as the Scots Covenant is against them; only so much worse than the Scots, as they admit not of the supremacy in ecclesiastical affairs, and we are sworn unto it.—Now for those particular Heads of Grievances, whereby our estates and properties are so radically invaded; I suppose, as I said before, that it is no season now to enter into a strict discussion of them; only thus much I shall say of them, with application to the county for which I serve, that none can more justly complain; since none can more justly challenge exemption from such burdens than Dorsetshire, whether you consider it as a county subsisting much by trade, or as none of the most populous, or as exposed as much as any to foreign invasion.—But, alas! Mr. Speaker, particular lamentations are hardly distinguishable in universal groans. Mr. Speaker, it hath been a metaphor frequent in parliament; and, if my memory fail me not, was made use of in the lord keeper's speech at the opening of the last, 'That what money kings raised from their subjects, it was but as vapours drawn up from the earth by the sun, to be distilled upon it again in fructifying showers.' The comparison, Mr. Speaker, hath held of late years, in this kingdom, too unluckily; what hath been raised from the subject by those violent attractions, hath been formed, it is true, into clouds; but how? To darken the sun's own lustre, and hath fallen again upon the land only in hailstones and mildews, to batter and prostrate still more and more our liberties, to blast and wither our affections; had not the latter of these been still kept alive by our king's own personal virtues, which will ever preserve him, in spight of all ill counsellors, a sacred object both of our admiration and love.—Mr. Speaker, it hath been often said in this house, and, I think, can never be too often repeated, 'That the king's of England can do no wrong:' but though they could, Mr. Speaker, yet princes have no part in the ill of those actions which their judges assure them to be just; their counsellors that they are prudent; and their divines that they are conscientious. This consideration leadeth me to that which is more necessary far, at this season, than any farther laying open of our miseries; that is, the way to the Remedy, by seeking to remove from our sovereign such unjust judges, such pernicious counsellors, and such disconscient divines, as have of late years, by their wicked practices, provoked aspersions upon the government of the graciousest and best of kings.—Mr. Speaker, let me not be misunderstood; I level at no man with a fore-laid design; let the faults, and those well proved, lead us to the men: it is the only true parliamentary method, and the only fit one to incline our sovereign: for it can no more consist with a gracious and righteous prince to expose his servants upon irregular prejudices, than with a wise prince to withold malefactors, how great soever, from the course of orderly justice. Let me acquaint you with an aphorism in Hypocrates, no less authentic, I think, in the body politic, than in the natural; this it is, Mr. Speaker, 'Bodies, to be thoroughly and effectually purged, must have their humours, first made fluid and moveable. The humours, that I understand to have caused all the desperate maladies of this nation, are the ill ministers: to purge them away clearly, they must be first loosened, unsettled, and extenuated; which can no way be effected with a gracious master, but by truly representing them unworthy of his protection. And this leadeth me to my motion, which is, That a select committee may be appointed, to draw, out of all that hath here been represented, such a Remonstrance as may be a faithful and lively representation unto his majesty of the deplorable estate of this his kingdom; and such as may happily point out unto his clear and excellent judgment, the pernicious authors of it: and that this Remonstrance being drawn, we may, with all speed, repair to the lords, and desire them to join with us in it. And this is my humble motion.'

Sir *John Colepeper*, one of the knights of the shire for Kent, spoke as follows: Mr. Speaker; I stand not up with a petition in my hand. I have it in my mouth;* and have it in charge

* In the Journals of the Commons for this day, is this entry. 'Sir John Colepeper represented the Grievances of Kent by word of mouth.'

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from them that sent me hither, humbly to present to the consideration of this house the Grievances of the county of Kent. I shall only sum them up, and they are these. 1. The great increase of Papists, by the remiss execution of those laws which were made to suppress them. The life of the laws is execution; without this they become a dead letter: this is wanting, and is a great grievance.—2. The obtruding and countenancing of divers new ceremonies in matters of religion; as, placing the Communion-Table altar-wise, and bowing or cringing to or towards it; the refusing of the holy sacrament to such as refuse to come up to the rails: these carry with them some scandal and much offence.—3. Military Charges; and therein, 1st, that of Coat and Conduct-Money, required as a loan, or pressed as a due; in each respect equally a grievance. 2dly, The enhancing the price of Powder; whereby the Trained Bands are much discouraged in their exercising: however little this may seem prima facie, yet, upon due examination, it will appear a great grievance. The 3rd is more particular to our county; it is this, The last summer was twelvemonth, 1000 of our best arms were taken from the owners, and sent into Scotland. The compulsory way was this, 'If you will not send your arms, you shall go yourselves.' Mr. Speaker, the Trained Band is a militia of great strength and honour, without charges to the king, and deserves all due encouragement. 4. The Canons: I assign these to be a grievance, 1st, in respect of the matter, besides the etcætera oath. 2dly, in respect of the makers; they were chosen to serve in a convocation; that falling with the parliament, the scene was altered; the same men, without any new election, shuffled into a sacred synod. 3dly, in respect of the consequence; which, in this age, when the second ill precedent becomes a law, is full of danger. The clergy, without confirmation of a parliament, have assumed unto themselves power to make laws, to grant relief by the name of Benevolence, and to intermeddle with our freehold by suspensions and deprivation. This is a grievance of a high nature.—5. Ship-Money: this cries aloud: I may say, I hope without offence, this strikes the first-born of every family, I mean our inheritance. If the laws give the king power, in any danger of the kingdom, whereof he is judge, to impose what and when he pleases, we owe all that is left to the goodness of the king, not to the law. Mr. Speaker, this makes the farmers faint, and the plough to go heavy.—6. The great Decay of Cloathing and Fall of our Wools: these are the golden mines of England, which give a foundation to that trade which we drive with all the world. I know there are many stars concur in this constellation; I will not trouble you with more than one cause of it, which I dare affirm to be the greatest; it is the great customs and impositions laid upon our cloths and new draperies. I speak not this with a wish to lessen the king's revenues, so it be done by parliament; I shall give my voice to lay more charge upon the superfluities (due regard being had to trade) which we import from all other nations: sure I am that these impositions upon our native commodities are dangerous, and give liberty to our neighbours to undersell: and I take it for a rule, that besides our loss in trade, which is five times as much as the king receiveth, what is imposed upon our cloths is taken from the rent of our lands.—I have but one Grievance more to offer unto you; but this one compriseth many: it is a nest of wasps, or swarm of vermin, which have over-crept the land, I mean the monopolers and polers of the people: These like the frogs of Egypt, have got possession of our dwellings, and we have scarce a room free from them: they sip in our cup, they dip in our dish, they sit by our fire; we find them in the dye-vat, wash-bowl, and powdering-tub; they share with the butler in his box, they have marked and seided us from head to foot. Mr. Speaker, they will not bate us a pin: we may not buy our own cloaths without their brokage. These are the leeches that have sucked the commonwealth so hard, that it is almost become hectical. And, some of these are ashamed of their right names; they have a vizard to hide the brand made by that good law in the last parliament of king James; they shelter themselves under the name of a corporation; they make bye-laws, which serve their turns to squeeze us, and fill their purses: unface these, and they will prove as bad cards as any in the pack. These are not petty chapmen, but wholesale men. Mr. Speaker, I have echoed to you the cries of the kingdom; I will tell you their hopes; they look to Heaven for a blessing upon this parliament; they hang upon his majesty's exemplary piety and great justice, which render his ears open to the just complaints of his subjects; and we have had lately a gracious assurance of it. It is the wise conduct of this parliament, whereby the other great affairs of the kingdom, and these our Grievances of no less import, may go hand-in-hand, in preparation and resolution; then, by the blessing of God, we shall return home with an olive branch in our mouths, and a full confirmation of the privileges which we received from our ancestors, and owe to our posterity; which every free-born Englishman hath received with the air he breathed in. These are our hopes: these are our prayers.'

Mr. *Grimston*, member for Colchester, spoke next: 'Mr. Speaker; These petitions, which have been now read, are all of them remonstrances of the general and universal grievances and distempers that are now in the state and government of the church and commonwealth: and they are not these alone, but his majesty's gracious expressions the first day of parliament, that call me up to speak at this present, contrary to my own intentions.—Mr. Speaker, his majesty, who is the head of the body politic, and the father of the common-

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wealth, hath complained first, declaring his sensibleness of our sufferings; and, amongst other things, hath put us in mind of our grievances; and hath freely left it to ourselves, for our redress and repair therein, to begin and end as we shall think fit. And this draws me on, with much cheerfulness and zeal, to contribute my poor endeavours to so great a work. And, Mr. Speaker, I conceive it will not be altogether impertinent, for your direction and guidance in that great place, which, by the favour of his maj. and this house, you now possess, a little to recollect ourselves in the remembrance of what was done the last parliament, and where we ended. It will likewise be very considerable what hath been done since that parliament, and who they are that have been the authors and causers of all our miseries and distractions, both before and since. In the last parliament, as soon as the house was settled, a subsidiary Aid and Supply was propounded, and many arguments used to give it precedency before all other matters and considerations whatever. On the other side, a multitude of Complaints and Grievances of all sorts, as well concerning our eternal as our temporal estates, were presented, and put in the other balance: the wisdom of that great council, weighing both indifferently, and looking not only at the dangers then threatened from Scotland, which are now upon us; but likewise taking into their consideration the condition and constitution of the present government here at home, concluded that they were in no capacity to give, unless their Grievances were first redressed and removed.—For Mr. Speaker, it then was, and still is, most manifest and apparent, that, by some judgments lately obtained in courts of justice, and by some new ways of government lately started up amongst us, the law of property is so much shaken, that no man can say he is master of any thing; but all that we have we hold as tenants, by courtesy and at will, and may be stripped of it at pleasure. Yet, Mr. Speaker, desirous to give his maj. all possible satisfaction and contentment, as well in the manner or Supply for expedition, as in the substance and matter of it, we confined and limitted ourselves but to three particulars only, and to such matter as, properly and naturally, should have reference and relation to these 3 heads. 1. The Privileges of Parliament. 2. Matters of Religion. 3. The Property of our Goods and Estates. And we began with the first, as the great ark in which the other two, Religion and Property, are included and preserved.—Mr. Speaker, the violations complained of the last parliament, touching our Privileges, were of two sorts; either such as had been done in parliament, or out of parliament. Concerning the violations of the first sort, it was resolved, by vote, That the Speaker's refusing to put a question, being thereunto required by the house, or to adjourn the house upon any command whatsoever, without the consent and approbation of the house itself, were breaches and violations that highly impeached our privileges. And, having passed that vote, I conceive it were fit we should now proceed a little further, and consider of a way how to be repaired against them that have been the violaters: for execution does animare legem. The putting of an old law in execution does oftentimes do more good than the making of a new one. As concerning violations of another sort, done out of parliament, in courts of justice, and at the council-board, where neither our persons nor our proceedings ought to have been controlled or meddled withal; and as concerning matters of Religion, and the Property of our Goods and Estates, there were divers things then likewise agreed on by vote, whereupon a conference was desired to have been held with the lords: but what interjections and rubs we met withal by the way, and how the lords controverted the precedency of our Grievances, and how our Speaker was taken away from amongst us, and what an unhappy conclusion we had at the last, the remembrance of it were a subject too sad to begin another parliament withal. Therefore, I shall pass from what was done the last parliament, and come to what hath been done since that parliament ended.—Mr. Speaker, there are some worthy gentlemen now of this house, that were members of the last parliament, that carried themselves in the matters and businesses then and there agitated and debated, with great wisdom, and unexampled moderation. But what had they at last for all their pains, in attending the public service of the commonwealth? Why, as soon as ever the parliament was ended, their studies and pockets were searched, as if they had been felons and traitors; and they committed to several goals; with an intention, I am confident, of their utter ruin and destruction, had they not foreseen a danger approaching; for, Mr. Speaker, if I be truly informed, an information was drawn, or at least directions given for the drawing of it, against them in the Star-chamber. Mr. Speaker, there hath been, since the last parliament, a synod; and in that synod a new Oath hath been made and framed, and enjoined to be taken. They might as well have made a new law, and enjoined the execution of that, as enjoined and urged the taking of the other, not being established by act of parliament; and, in point of mischief, the safety of the commonwealth, and the freedom and liberties of the subject, are more concerned in the doing of the one, than if they had done the other.—The next exception I shall take to it, is to the matter contained in the Oath itself. Mr. Speaker, they would have us, at the very first dash, swear to a damnable heresy, that matters necessary to salvation are contained in the discipline of our church: whereas, it hath ever been the tenet of our church, That all things necessary to salvation are comprehended and contained in the doctrine of our church only; and that hath always been used as an argument, until this very present, against anti-disciplinarians, to

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stop their mouths withal; and therefore, for that reason, they might, with the less regret and offence, conform and submit themselves to the discipline of our church. And, for prevention, in case the wisdom of the state, in this great council, should at any time think fit to alter any thing in the government of our church, they would anticipate and forestal our judgments; by making us swear, beforehand, That we would never give our consent to any alteration. Nay, they go a little further; for they would have us swear, That the government of the church by archbishops, bishops, deans, archdeacons, &c. is jure divino; their words are, 'As of right it ought to stand,' whereas, Mr. Speaker, we meet not with the name of an archbishop or a dean, or an archdeacon, in all the New Testament. And whatsoever may be said of the function of bishops, it is one thing; but for their jurisdiction, it is merely humana institutione, and they must thank the king for it.—As for their gross and absurd etcætera, wherein they would have men swear they know neither what, nor how many fathom deep: there is neither divinity nor charity in it, and yet they would put that upon us.—Mr. Speaker, what they meant and intended by this new Oath, and their Book of Canons, and their Book of Articles, which they would have our church-wardens sworn unto, to inquire of, and to present thereupon, I must confess I know not; unless they had a purpose therein to blow up the Protestant Religion, and all the faithful professors of it, and to advance their hierarchy a step higher; which, I suppose, we all fear is high enough already. They have likewise, in this synod, granted a Benevolence, but the nature of the thing agrees not with the name; for, in plain English, it is 6 Subsidies, to be paid by the clergy in 6 years: and the penalties they have imposed upon the refusers, for non-payment, is to be deprived of their functions, to be stripped of their freehold, and to be excommunicated; and this act of their synod is not published amongst their canons, for which they might have some colourable seeming authority: but it comes out, in a book by itself, in the Latin tongue, supposing, as I conceive, that laymen are as ignorant as they would have them; and so they dance in a net.—And as in this, so in most of their new canons, if they be thoroughly considered, any judicious man may easily discern and perceive, and they do therein like watermen, that look one way and row another; they pretend one thing, but intend nothing less: and certainly, Mr. Speaker, in this they have flown a high pitch; for a synod called together upon pretence of reconciling and settling controversies and matters in religion, to take upon them the boldness thus, out of parliament, to grant Subsidies, and to meddle with men's freeholds, I dare say the like was never heard of before; and they that durst do this will do worse, if the current of their raging tyranny be not stopped in time.—Who are they, Mr. Speaker, that have countenanced and cherished Popery and Arminianism to that growth and height it is now come to in this kingdom? Who are they, Mr. Speaker, that have given encouragement to those that have boldly preached those damnable heresies in our pulpits? Who are they, Mr. Speaker, that have given authority and licence to them that have published those heresies in print? Who are they, Mr. Speaker, that of late days have been advanced to any dignity or preferment in the church, but such as have been notoriously suspicious in their discipline, corrupt in their doctrine, and, for the most part, vitious in their lives? And who are they, Mr. Speaker, that have overthrown our two great charters, Magna Charta, and Charta de Foresta? What Imposition hath been laid down, or what Monopoly hath been damned, in any court of justice since the last parliament? Hath not Ship-Money, Coat and Conduct-Money, and Money for other Military Charges, been collected and levied with as great violence as ever they were; in violation of our liberties, confirmed unto us in our Petition of Right, notwithstanding our supplications and complaints the last parliament? And who are they, Mr. Speaker, that have caused all those dangerous convulsions, and all the desperate, unnatural, bloody distempers that are now in our body politic?—Mr. Speaker, I will tell you a passage I heard from a judge in the King's-Bench. There was a poor man committed by the lords of the council, for refusing to submit to a project; and having attended a long time at the King's-Bench bar, upon his habeas corpus, and, at last, pressing very earnestly to be bailed, the judge said to the rest of his brethren, 'Come, brethren,' said he, 'let us bail him, for they begin to say in town, that the judges have overthrown the law, and the bishops the gospel.'—Mr Speaker, I would not be misunderstood in what I have said, for there are some of both functions and professions, that I highly honour and reverence in my heart, for their wisdoms and integrities: but, I may say it, for I am sure we have all felt it, that there are some of both functions and professions that have been the authors and causers of all the miseries, ruins, and calamities that are now upon us.—Mr. Speaker, this is the age; this is the age, Mr. Speaker, that hath produced and brought forth Achitophels, Hamans, Woolseys, Empsons and Dudlies, Tresilians and Belknapps, vipers and monsters of all sorts. And I doubt not but, when his majesty shall be truly informed of such matters as we are able to charge them withal, we shall have the same justice against these which heretofore hath been against their predecessors, in whose wicked steps they have trodden. And therefore, Mr. Speaker, to put ourselves into a way for our redress and relief, I conceive it were fit that a committee might be named to take these Petitions that have now been read, and all others of the like nature, into their consideration; to the end that the parties grieved may have just repair

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for their Grievances; and that, out of them, laws may be contrived and framed for the preventing of the like mischiefs for the future.'

Nov. 10. Sir *Edward Dering*, member for Kent, spake thus: 'Mr. Speaker; Yesterday the great affairs of this house did borrow all the time allotted to the grand committee for Religion. I am sorry that having but half a day in a whole week, we have lost that. Mr. Speaker, it hath pleased God to put into the heart of his majesty (for the king's heart is in the hand of the Lord) once more to assemble us in a senate, to consult upon the unhappy distractions, the sad dangers, and the much feared ruins of this late flourishing church and kingdom. God be praised both for his goodness, and for his severity, whereby he hath impelled this meeting; and humble thanks unto his majesty, whose parental care of us his subjects, is willing to relieve us. The sufferings that we have undergone are reducible to two heads: 1. concerning the Church: 2. belonging to the Commonwealth. The first of these must have the first fruits of this parliament, as being the first in weight and worth, and more immediate to the honour of God and his glory; every drachm whereof is worth the whole weight of a kingdom. The Commonwealth, it is true, is full of apparent dangers. The sword is come home unto us, and the two twin nations, united together under one royal head, brethren together in the bowels and the bosom of the same island; and, which is above all, imbanded together with the same religion (I say the same religion) are, by a devilish machination, like to be fatally embrued in each other's blood, ready to dig each other's grave; quantillum abfuit?—For other Grievances also, the poor disheartened subject sadly groans, not able to distinguish betwixt power and law; and, with a weeping heart no question, hath prayed for this hour; in hope to be relieved, and to know hereafter whether any thing he hath, besides his poor part and portion of the common air he breathes, may be truly called his own. These, Mr. Speaker, and many others do deserve, and must shortly have our deep regard; but suo gradu, not in the first place. There is unum necessarium above all our worldly sufferings and dangers, Religion, the immediate service due unto the honour of Almighty God. And herein let us all be confident, that all our consultations will prove unprosperous, if we put any determination before that of Religion. For my part, let the sword reach from the north to the south, and a general perdition of all our remaining right and safety threaten us in open view; it shall be so far from making me to decline the first settling of Religion, that I shall ever argue, and rather conclude it thus. The more great, the more imminent our perils of this world are, the stronger and quicker ought our care to be for the glory of God and the pure law of our souls.—If then, Mr. Speaker, it may pass with full allowance, that all our cares may give way unto the treaty of Religion, I will reduce that also to be considered under two heads; first, of Ecclesiastic Persons, then of Ecclesiastic Causes. Let no man start or be affrighted at the imagined length of this consultation; it will not, it cannot take up so much time as it is worth. This is God's and the king's, this is God's and the kingdom's, nay, this is God's and the two kingdoms cause. And therefore, Mr. Speaker, my humble motion is, That we may all of us seriously, speedily, and heartily, enter upon this, the best, the greatest, the most important cause we can treat of.—Now Mr. Speaker, in pursuit of my own motion, and to make a little entrance into this great affair, I will present unto you the Petition of a poor oppressed minister in the county of Kent: a man orthodox in his doctrine, conformable in his life, and as laborious in the ministry as any we have, or I do know. He is now a sufferer, as all good men are, under the general obloquy of a Puritan; as, with other things, was excellently delivered by that silver trumpet* at the bar. The pursuivant watches his door, and divides him and his cure asunder, to both their griefs; for it is not with him, perhaps, as with some that set the pursuivant at work, glad of an excuse to be out of their pulpit; no, it is his delight to preach. About a week since I went over to Lambeth, to move that great bishop (too great indeed) to take this danger off from this minister, and to recall the pursuivant: and, withal, I did undertake for Mr. Wilson (for so your petitioner is called) that he should answer his accusers in any of the king's courts at Westminster. The bishop made me answer, as near as I can remember, in hæc verba, 'I am sure that he will not be absent from his cure a twelvemonth together, and then, I doubt not but once in a year we shall have him.' This was all I could obtain; but I hope, by the help of this house, before this year of threats run round, his grace will either have more grace, or no grace at all: for our manifold griefs do fill a mighty and a vast circumference; yet so, that from every part our lines of sorrow do lead unto him, and point at him the center, from whence our miseries in this church, and many of them in the commonwealth, do flow.'

Sir *John Wray*, member for Lincolnshire, made the following speech:† 'Mr. Speaker; It was well observed by my lord keeper, 'That a multiplying glass may deceive; but the right English glass of the commonwealth, never.' In which I discern so comely and active a motion, that, out of all question, some great work is here to be done, something extraordinary is here to be decreed; or else God and the king, beyond all our expectations, at the last breath, would never so soon have cemented us again, to meet in this great council. Mr. Speaker, what an happy sight will it be to see the king and his people accord? A threefold cord is

* Sir Benjamin Rudyard. See, p. 643.

† From the original edition, printed for Francis Constable, 1641.

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not easily broken; and I hope king Charles's threefold kingdoms shall never be so divided, as to break in pieces. God knows the divisions of Great Britain have half untwisted our long union, and I fear God is angry with our national lukewarm temper: the zeal of this house hath not kindled that flame in our hearts, which our seeming good actions have blown abroad; much like the walking of a ghost or lifeless body, which affrights many, but pleaseth no beholder. 'Omnia honesta opera voluntas inchoat?' It is the heart, or will, which gives the beginning to every good action, and I hope our constant resolutions will be to settle religion in its splendor and purity, by pulling Dagon from the altar, and whipping the buyers and sellers out of the Temple; 'pars prima bonitatis est velle fieri bonum;' the first part of goodness is to have the will of being good. God knows all our hearts, and takes notice of our inward resolutions, and for what ends we come hither; if to propagate and advance his glory and gospel, blessed shall this parliament and nation be, and then most happy we, whose God is the Lord; all things shall work together for our good: for, Mr. Speaker, he that turns the hearts of kings like the rivers of waters, will make the king and his kingdoms all of one mind. Long live king Charles the Great, and his numerous royal issue, to defend the true faith; which will protect and keep him and his safe on his father's throne. Never king gave more full content to his people, than his maj. now hath done; and, I hope, never subjects came with better hearts and affections to their king and country than we do. Let it then appear, by our outward actions and practice, that our inward obedience, both of heart and hand, is true, loyal, and current coin, not false nor counterfeit; for 'Nemo veraciter dicit, volo, qui non facit illud quod potest;' no man truly says, I am in will and heart resolved, unless, according to his ability, he endeavour to perform his resolution; which, to speak the hearts of us all in this renowned synod, I am confident is fully fixed upon the true reformation of all disorders and innovations in church or religion, and upon the well uniting and close rejointing of the now dislocated Great Britain: for, let me tell you, Mr. Speaker, that, God be thanked, it is but out of joint, and may be yet well set by the skilful surgeons of this honourable house; to whose loving and christian care, and to whose tender and upright hands I leave it, only with this aviso, let brotherly love continue, and be constant and of good courage; for the Keeper of Israel, who neither slumbers nor sleeps, who delivered us from Rome's November Powder-blast, will, no doubt, still preserve his anointed, our gracious king, and us, his loyal subjects, from all dangers of fire or sword; for si Deus nobiscum quis contra nos?'

The Collection of Speeches before cited, gives us the following speech of lord Digby, without date: but it appears to have been spoken about the beginning of the session.

Lord *Digby* rose and said:—'Mr. Speaker; This happy meeting is to bemoan and redress the unhappy state of this commonwealth. Let me have, I beseech you, your leave to give you, in a word, a short view of our griefs, then see whence they flow. Our Laws, our Liberties, our Lives, and, which is the life of all, our Religion; all which have been, by the endeavours of so many ages, secured, and made so much our own, can scarcely now be called ours. Our Laws, the only sinews and ligaments of our estates, which should run in an even stream, are now made to disdain their banks, and to overflow and drown those fields, which they should gently refresh; our Liberties, the very spirit and essence of our weal, which should differ us from slaves, and speak us Englishmen, are torn away by them, who, even while they take them from us, cannot but confess they are our proper dues. Are not our lives in danger, when a provoked enemy, disguised like a friend, is as it were suffered (because indirectly and in vain resisted) to come almost into our bosom, to rifle some of their goods, others of their loyalty, which perhaps they could not, neither would have touched, might we, with united force, have resisted? And lastly, which is the soul of all our grievances, our Religion, which should have been our cordial in all our distempers, like a forced virgin, laments ever that her pure innocency is taken from her: and sure all these effects must have their causes.—That we have just and wise laws, we may thank those good kings that made them; the settled exposition of just circumscribed laws, to bind and defend the subject, we owe to the judges of former times; and that they are so well framed and useful, as to contain enough to make a good king and people perfectly safe and happy.—What do we owe to those grave counsellors, who sat here before us, and that outlive the malice of some unbounded spirits? We are beholden to them for reprieving our laws from ruin, with their lives and fortunes; we call them ours, because we are freely born to them, as to the air we breath in; we claim them, and should possess them under the protection of our gracious king, who is their great patron, and disposes them not inconsiderately; but by the advice of those learned expositors of them, the judges, and those whom he trusts to be his great and faithful counsellors. If these pervert the ground and meaning of the law, and contract the power of it, or make it speak louder or softer, as they themselves are tuned for it, the blame should deservedly fall on those mistrusted ministers, who are the base betrayers of his majesty's honour, and his people's rights; to vindicate which, necessity hath here assembled you.—Mr. Speaker, is not his offence and malice as great who should undermine my tenure, and surreptitiously deprive me of my evidence by which I hold my inheritance, as he who, by violence, should wrest it from me? The Scots we have heard branded as Traitors, because they have, contrary to the law of na-

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tions, and their loyalty, invaded our kingdom in arms; what other title have they merited, who have invaded our laws and liberties, the precious evidence by which we should freely enjoy ourselves and our estates. The first we may resist and drive forth by united force, and it will be called piety to the king and country; if force be laid against the other, it will be stiled Rebellion.—What now remains but that we should use the law; which, because it hath been inverted and turned against us, contrary to its own natural and plain disposition, should now right us and itself against our adversaries. Surely the law is not so weak and improvident, to take care for others, and never provide for its own defence against those (be they peers or people) that have abused it. If we examine the law well, it will tell us what hath been the reward of such ambitious men, as have monopolized and abused the king's authority; what hath been the punishment of such as have betrayed the well-meaning subject to the king's displeasure, and his prince's counsel to his enemies; what they deserve, who have raised mountains of monopolies, heaps of impositions, oceans of grievances; what hath been the punishment of such as belied justice and their conscience, and have made truth and honesty out of fashion.—And lastly, if no penalty be found for these, surely there is some for such as have so disguised religion in fantastic dresses, that heaven and earth cannot but be angry to see it; and, in their politic pride, have been so long moulding a new state, and a new old church for their own advantage, till they have, by their too much order, put all out of frame, and made us objects of pity, and themselves of hate. What if, for these innovations, we innovate an exemplary punishment? These are the ground-work of our miseries: and surely, Mr. Speaker, there are too many of all these sorts, which, like envious clouds, hinder us from the gracious shine our sun intends us; therefore, for his greater lustre, and our more assured comfort, let us endeavour to remove these interposers; that he may freely see into his people's bosoms, and read, in their hearts, firm characters of loyalty and glad obedience; which the practices of these latter times have endeavoured to obliterate, but in vain.—I shall not dare to borrow one minute more; but I shall now end, though I have but new begun. If we consider the just extent of our Grievances, the deep search of which wound I leave to better abilities (and I beseech you think not that I sigh out these complaints, undertaking to instruct the grave council of this great assembly); my infant advice presumes not to reach so high: it is but to let you see how much the slightest parts of this abused commonwealth, is not only made sensible of our wrongs, but that what we feel is far exceeded by the numberless number of our just fears, which should, before this time, have utterly distracted us, had not our great Physician now at length applied his sovereign remedy, to keep up our fainting hopes, by which we must either stand or fall.'

We meet with the following speech of sir Francis Seymour,* member for Marlborough, in this month of November, although the day is not mentioned.

Sir *Francis Seymour* said:—'Mr. Speaker; This great council, as Tully said of the senate of Rome, is the soul of the commonwealth; wherein one may hear and see all the grievances of the subject; and in the multitude of such counsellors is safety. Amongst whom the greatest privilege is liberty of speech: and therefore I humbly offer it unto you, to take into consideration, what wrong hath been done herein; what judgments have been against the members of this house for speaking nothing but what concerned the good of the commonwealth; which said judgments have been against law and reason, and without precedent. What law or reason is there that a parliament, which is the highest of all courts, should be questioned by inferior courts and judges; as if the Common-Pleas should question the King's-Bench, or the Chancery be questioned by either of them? Perhaps the authors of it have nature to plead for them; which, indeed, teacheth every man to preserve himself. This perhaps makes them advance a proposition, which, otherwise, must condemn themselves. Such things have been done to maintain their proceedings, as not only trench upon the liberties of parliament, but also upon the liberties of the whole commonwealth; wherein I had rather suffer for speaking the truth, than the truth should suffer for want of my speaking. Where was there ever more piety in a prince, and more loyalty in subjects, and yet what commonwealth ever suffered like this? His maj. is the sun, which, though it ever shines alike in itself gloriously; yet, by reason of clouds, many times doth not appear; and if his maj. by reason of bad counsellors, doth not appear in such splendor, let us labour to clear those clouds: what will it avail us if the fountain be clear, if the streams that issue therefrom be not so also?—I will instance, Mr. Speaker, in some particulars. If we look into the face of Religion, that is out-faced; and such as heretofore durst not appear, now come boldly into our houses, as if they had a declared toleration; I mean the seminary priests; who, tho' they have less power, yet have they not less malice; but more, so long as the Pope has his agents amongst us. See we not how they go to Somerset-house and St. James's with too much countenance? These are the enemies of the church without the church: I wish we had none within who pull down churches, and I am sure they build none up again: amongst which are our non-residents, who oversway all by worldly preferments and many livings.—Christ made it the touchstone of Peter's love unto him, to feed his sheep and lambs; but these men look at their own private gains; not taking pains for their own double honours which are daily gotten. What thing is there

* From the original edition printed for W. H. anno 1641.

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more against reason and nature, than for one man to have above one wife, and for one shepherd to have more than one sheepfold? These are dumb dogs that cannot speak a word for God; of whom the people may seek spiritual food, but can find none. Others there are that preach, yet it is not the gospel, but themselves:—'That the king hath an unlimited power, and the subject no property in his goods.' These are bad divines, and worse and more ignorant statesmen; who, under the name of Puritans, condemn all who truly profess religion. There are surely many, who, under a form of godliness, cloak impiety; but to teach that a man can be too holy, is the doctrine of devils. And now, for fear I have been over-long, I will speak of the subjects liberties; wherein I remember what was confirmed unto us by the word of a king: and God forbid that I, or any other, should imagine that the king did otherwise than he then granted us. But some there be that have betrayed the king unto himself; and so committed worse treason than those who betray him to others; who tell him his prerogative is above all laws, and that his subjects are but slaves: whereby the king is neither preserved in honour, nor the commonwealth in safety.'

Proceedings of the Lords relating to the searching the Studies and Pockets of two Peers.] Nov. 10. A motion was made in the lords, "That whereas two lords of this high and honourable court have had their Studies and Pockets searched for Papers, consideration might be had, whether it be not a breach of privilege; especially it being done soon after the dissolution of the last parliament, and within the time of privilege of parliament." Upon this the earl of Warwick and lord Brook were appointed to declare the manner of it; and, after their lordships had made a full relation of it, it was agreed, That sir Wm. Beecher should appear at the bar of the house as a delinquent until he produced his warrants, and cleared himself.—The same day sir W. Beecher was brought to the bar, when the lord keeper demanded of him, By what warrant or direction he did search and carry away the papers of the aforesaid peers, &c. Sir William answered, That he was a clerk of his majesty's privy council, and sworn to his majesty's service; and therefore desired their lordships would give him leave to acquaint the king with it before he answered. Being ordered to withdraw, the lords, after much debate, had him called in again; when the lord keeper was directed again to ask him to shew his warrant, and blamed him for naming the king in the business, no such thing being asked him: but he still refused to give a direct answer till the king was made acquainted with it.

Upon this he was again ordered to withdraw; and, after more consideration, he was called in, when the lord keeper told him, That the lords did take him to be the chief actor of the fact, and were resolved to proceed against him as the principal; and accordingly, to inflict punishment upon him, unless he then shewed by what warrant he did it. His answer was much the same as before; and he added, That he must do his duty to his majesty, and suffer what their lordships pleased to lay upon him.

The lords were, upon this, at a loss what to do with him; and, sir William being once more commanded to withdraw, they came to this Resolution, "That sir Wm. Beecher hath endeavoured to interest the king in this matter, and hath not dealt clearly or fairly with them; the earl of Warwick and lord Brooke having both affirmed, That they did see warrants in his hands, signed by the secretaries of state; and therefore it aggravated his offence in using his majesty's name, when he might have put it upon the secretaries. It was therefore ordered, That Sir Wm. Beecher should stand committed for the said offence."

But it appearing dangerous to commit one of the king's servants, the lords thought proper to try him once again; and he was called in and interrogated on the four following Questions: "1. Whether he did search the Studies and Pockets of the earl of Warwick and the lord Brooke? 2. Whether he did not shew the warrants to the said lords? 3. What names were subscribed to the warrants? 4. Where those warrants are?" Upon which, and being threatened with commitment for contempt, sir William confessed all, and that the warrants were in his custody, signed by the two secretaries of state. It was ordered, That the gentleman usher should go along with him, but not suffer any one to speak to him, going or coming to the house. Being returned, the warrants were produced and read, when they appeared signed by sir Francis Windebanke and sir Henry Vane, both secretaries of state. And it was thought proper to commit sir William to the Fleet for giving the house so much trouble.—But these two secretaries being both members of the house of commons, the lords sent a Message to that house to desire a conference, to acquaint them with the business; and that, in the warrants, signed as aforesaid, there was no particular act specified; but before they proceeded to seek reparation for this injury done to the two lords, they thought fit to acquaint the commons with it, in order to keep up the good correspondency and respect between the two houses.—Yet, though the conference was held, and the commons made acquainted with the business, nothing further was done in it; and, two days after, sir Wm. Beecher, on his humble petition to the lords, acknowledging his error, was released.

Nov. 12. The commons sent up to acquaint the lords, that they were ready to attend them in a committee, that afternoon, about the Treaty at Ripon and York; which was agreed to by the lords.—Some further evidences were examined against secretary Windebank, and he was desired to withdraw. On the Comptroller of the Household's saying, 'That his majesty taking notice, &c.' it was

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observed the great inconvenience that might fall upon this house, if his maj. should be informed of any thing in agitation there, before it was determined; therefore it was moved, That some course might be taken for preventing that inconvenience.

Nov. 18. Resolved, upon the question, That those lords who were petitioners to the king at York, a copy of which petition was then read, had done nothing but what was legal, just, and expedient, for the good of the king and kingdom.

Remonstrance from the Parliament of Ireland.] Nov. 20. Mr. Whistler reported from the committee for Irish Affairs, "That the parliament of that kingdom had set forth a Remonstrance; wherein it appeared, that trading was destroyed; industry disheartened; new and unlawful impositions were laid; the arbitrary determination of all causes for goods, lands, and possessions, by petitions and acts at the council table, where no writ of error can lie, and thereby the king loseth a fine: That his majesty's gracious disposition for the good of the kingdom is kept from them: that there is a Monopoly of the sole trade of tobacco, of more gain to the parties interested therein, than the king's whole revenue in Ireland; the destroying the plantation of Londonderry; the exorbitant power of the high commission, which crieth loud in all the three kingdoms; the proclamation, forbidding any departing thence for England, without licence, and paying dear for it; the many Subsidies given and money raised for the king, and yet he is still in debt; they therefore demand an account of his treasure, and desire present redress, or access to his majesty."

Orders respecting the Commons receiving the Communion.] Sir Rob. Harley reported from the committee appointed to settle matters about the members receiving the Communion, "That they had resolved none should sit in the house but those who should take the sacrament; and that this was intended for the discovery of papists amongst them: that the committee thought fit that some confession of faith, renunciation of the pope, &c. should be made, by such as are suspected, as by those that were papists, and now go to church; or have their wives papists; or bring up their children in popery; or keep a considerable number of papists for their servants; and if any here know such to give notice of their names: that two members of this house were required to go to the dean of Westminster,* to intimate to him, from the house, that it was desired the elements might be consecrated upon a Communion Table, standing in the church, according to the rubrick, and to have the table removed from the altar. The dean gave this answer, That it should be removed according to the desire of the house, with this further respect to the house, That though he would do greater service to them than this, yet he would do as much as this for any parish in his diocese, that desired it."

Nov. 23. A committee for Religion having been appointed, divers reports were made to the house, and many speeches upon that topic ensued. The first we find was spoke by, sir Edward Dering,* in the committee, Mr. White being in the chair, which we here subjoin:

Sir *Edw. Dering* rose and said:—'Mr. White; You have many private petitions, give me leave, by word of mouth, to interpose one more general, which thus you may receive. God's true religion is violently invaded by two seeming enemies: but indeed they are, like Herod and Pilate, fast friends for the destruction of truth. I mean the Papists for one party, and our Prelating Faction for the other. Between these two in their several progress, I observe the concurrence of some few parallels, fit, as I conceive, to be represented to this committee. First, with the Papists, there is a severe inquisition; and with us, as it is used, there is a bitter high commission; both these, contra fas & jus, are judges in their own cause: yet herein their inquisitors are better than our high commissioners: they, for ought I ever heard, do not, sævire in suos, punish for delinquents and offenders, such as profess and practice, according to the religion established by the laws of the land where they live.—But with us how many poor distressed ministers, nay how many scores of them, in a few years past, have been suspended, degraded, deprived, and excommunicated, not guilty of the breach of any of our established laws. The petitions of many are here with us, more are coming: all their prayers are in Heaven for redress.—Secondly, with the Papists, there is a mysterious artifice, I mean their index expurgatorius, whereby they clip the tongues of such witnesses whose evidence they do not like. To this I parallel our late imprimaturs, licenses for the press, so handled, that truth is suppressed, and popish pamphlets fly abroad cum privilegio: witness the audacious and libelling pamphlets against true religion, written by Pocklington, Heylin, Dow, Cosins, Shelford, Swan, Reeves, Yates, Hausted, Sparrow, Brown, Roberts. Many more: I name no bishops, but I add, &c.—Nay, they are already grown so bold in this new trade, that the most learned labours of our antient and best divines must now be corrected and defaced with a deleatur, by the supercilious pen of my lord's young chaplain; fit perhaps for the technical arts, but unfit to hold the chair of divinity. But herein the Roman index is better than are our English licensers: they thereby do preserve the current of their own established doctrine;

* Dr. John Williams, bishop of Lincoln, formerly lord keeper.

* From a quarto pamphlet, published by himself, containing a collection of his speeches, "some formerly printed, and divers more now added, in vindication of his name from weak and wilful calumny," &c. London, 1642.

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a point of wisdom. But, with us, our innovators, by this artifice, do alter our settled doctrines: nay, they do subinduce points repugnant and contrariant. And this I dare assume upon myself to prove.—One parallel more I have, and that is this; among the Papists there is one supreme Pope, supreme in honour, in order, and in power; from whose judgment there is no appeal. I confess, Mr. Chairman, I cannot altogether match a Pope with a Pope: yet one of the antient titles of our English primate was alterius orbis papa; but thus far I can go, ex ore suo; it is in print: he pleads fair for a patriarchate; and for such an one whose judgment he, beforehand, professeth ought to be final; and then, I am sure, it ought to be unerring. Put these together, and you shall find that the final determination of a patriarch will want very little of a Pope, and then we may say

——'Mutato nomine de te
Fabula narratur'——

He pleads popeship under the name of a patriarch; and I much fear lest the end and top of his patriarchal plea may be as that of cardinal Pole, his predecessor, who would have two heads, one caput regale, another caput sacerdotale: a proud parallel, to set up the mitre as high as the crown. But herein I shall be free and clear, if one there must be, be it a Pope, be it a Patriarch; this I resolve upon for my own choice, procul à Jove, procul à Fulmine; I had rather serve one as far off as Tyber, than to have him come so near me as the Thames. A Pope at Rome will do me less hurt than a Patriarch may do at Lambeth.—I have done; and, for this third parallel, I submit it to the wisdom and consideration of this grand committee for Religion; in the mean time I do ground my motion upon the former two, and it is this in brief: That you would please to select a sub-committee of a few, and to impower them for the discovery of the numbers of oppressed ministers under the bishops tyranny for these ten years last past. We have the complaint of some, but more are silent; some are patient and will not complain, others are fearful and dare not; many are beyond sea and cannot complain. And, in the second place, that the sub-committee may examine the printers, what books, by bad licenses, have been corruptly issued forth; and what good books have been, like good ministers, silenced, clipped, or cropped. The work, I conceive, will not be difficult, but will quickly return into your hand full of weight. And this is my motion.'

Sir *John Wray*, spoke as follows:—'Mr. Speaker; By the report made from the committee of Religion, you may see to what an exorbitant height Popery is grown; and yet how slowly we go on to suppress it: I fear God is displeased with us, or else no disaster should have prevented the sealing of our covenant, when intended; and I hope it shall be performed the next Sabbath. Had our fast been accepted, and our outward humiliation cordial, no blow should have distracted our preparations. Mr. Speaker, if we had taken the good counsel of our teachers at the fast, and believed their report, we had done well; and by this time, no doubt, we might have found out Achan with his wedge of gold and Babylonish garments; but we have spent our time only in pilling off the bark, and snatching the boughs and the branches of popery, and that will do no good; for they will grow thicker and harder; what must we do then, to preserve our religion safe and sound, to us and our posterity, that our golden candlestick be not removed? Why, the only way is to fall to our work in earnest, and lay the axe to the root, to unloose the long and deep fangs of superstition and Popery; which being once done, the bark will soon fall down. Let us then endeavour a thorough reformation; for if it be imperfect, it will prove the seed of dissolution, if not desolation; which God forbid: and, to prevent that, I shall humbly move, That the groves and high places of idolatry may be removed, and pulled down, and then God's wrath against England will be appeased; until then, never.'

Rushworth observes, That these Speeches, and some others, concerning Grievances, did so convince the rest of the house, that when a question was put relating to any considerable grievance, not one member offered to put a negative upon it. In consequence of the Resolution of the house, 'That no Monopolist or Patentee should be allowed to sit in that house,' several were turned out accordingly, and new writs were ordered for electing others in their stead. See p. 651.

Dec. 1. A long Report is entered from the Committee of Inquiry after Papists, &c. all tending as evidence against secretary Windebank. In the end it was ordered, "That he should, the next day, give Answer to such questions as should be put to him, upon several informations delivered in here against him; and he, in the mean time, to have notice of it."

Resolutions against Ship-Money.] Dec. 7. A Report was made by Mr. St. John from the committee appointed to examine into the legality of Ship-Money; which ended, the house came to the following Resolutions upon it:—"Resolved, upon the question, nullo contradicente, 1. That the charge imposed upon the subjects for the providing and furnishing of Ships, and the assessments for raising of Money for that purpose, commonly called Ship-Money, are against the laws of the realm, and the subjects' right of property, contrary to former Resolutions of parliament, and to the Petition of Right. 2. That the extrajudicial Opinions of the Judges, published in the Star-Chamber, and inrolled in the courts of Westminster, [ ] in the whole and every part of them, are against the laws of the realm, the right of property, the liberty of the subject, contrary to former Resolutions of parliament, and to the Petition of Right. 3. That all the writs, commonly called Ship-Writs, the judg-

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ment in the Exchequer, in Mr. Hampden's Case, in the matter and substance thereof, that he was anywise chargeable thereby, is against the laws of the realm, &c."—A committee was then appointed to go forthwith to the several Judges, to know how they were solicited or threatened, in what manner, and by whom, to give any opinion or judgment concerning Ship-Money; and, lastly, to acquaint the Judges with what had been voted this day concerning it.

Two Subsidies granted.] Dec. 10. The way for raising 100,000*l.* for the Relief of the King's Army and the Northern counties, was debated; when, after many speeches, the house resolved, That two Subsidies should be granted, instead of the sum aforesaid; and, the next day, a bill was ordered in accordingly.

Petition of the City of London against Bishops, &c.] Dec. 11. A Petition from the city of London, signed by 15,000 citizens, was presented to the commons by alderman Pennington, attended by some hundreds of people, and was as follows:

"That whereas the government of archbishops and lord bishops, deans and archdeacons, &c. with their courts and ministrations in them, hath proved prejudicial and very dangerous both to the church and commonwealth; they themselves having formerly held, that they have their jurisdiction or authority of human authority, till of these later times, being further pressed about the unlawfulness thereof, they have claimed their calling immediately from the Lord Jesus Christ; which is against the laws of this kingdom, and derogatory to his majesty and his state royal: and whereas the said government is found, by woful experience, to be a main cause and occasion of many foul evils, pressures, and grievances of a very high nature unto his majesty's subjects, in their consciences, liberties, and estates, as in a schedule of particulars, hereunto annexed, may in part appear: we therefore most humbly pray and beseech this honourable assembly, the premisses considered, that the said government, with all its dependences, roots, and branches, may be abolished, and all laws in their behalf made void, and the government, according to God's word, may be rightly placed among us; and we your humble suppliants, as in duty we are bound, will daily pray for his majesty's long and happy reign over us, and for the prosperous success of this high and honourable court of parliament:

A Particular of the manifold EVILS, PRESSURES and GRIEVANCES, caused, practised, and occasioned by the PRELATES and their DEPENDENTS.

I. "The subjecting and inthralling all ministers under them and their authority, and so by degrees, exempting of them from the temporal power; whence follows, II. The faintheartedness of ministers to preach the truths of God, lest they should displease the prelates; as, namely, the doctrine of Predestination, of free Grace, of Perseverance, of original Sin remaining after Baptism, of the Sabbath, the doctrine against universal Grace, Election for Faith foreseen, Free-will, against Antichrist, Nonresidents, human Inventions in God's Worship; all which are generally withheld from the people's knowledge, because not relishing to the bishops. III. The encouragement of ministers to despise the temporal magistracy, the nobles and gentry of the land: to abuse the subjects, and live contentiously with their neighbours, knowing that they, being the bishops creatures, shall be supported. IV. The restraint of many godly and able men from the ministry, and thrusting out of many congregations their faithful, diligent, and powerful ministers, who lived peaceably with them, and did them good; only because they cannot, in conscience, submit unto and maintain the bishops needless devices; nay, sometimes, for no other cause, but for their zeal in preaching, or their great auditories. V. The suppressing of that godly design, set on foot by certain saints, and sugared with many great gifts by sundry well-affected persons, for the buying of Impropriations, and placing of able ministers in them; maintaining of Lectures, and founding of Free-Schools; which the prelates could not endure, lest it should darken their glories, and draw the ministers from their dependence upon them. VI. The great increase of idle, lewd and dissolute, ignorant and erroneous men in the ministry, which swarm, like the locusts of Egypt, over the whole kingdom; and will they but wear a canonical coat, a surplice, a hood, bow at the name of JESUS, and be zealous in superstitious ceremonies, they may live as they list, confront whom they please, preach and vent what errors they will, and neglect preaching at their pleasure, without controul. VII. The discouragement of many from bringing up their children in learning; the many schisms, errors, and strange opinions which are in the church; great corruptions which are in the universities; the gross and lamentable ignorance, almost every where, among the people; the want of preaching ministers in very many places both of England and Wales; the loathing of the ministry; and the general defection into all manner of prophaneness. VIII. The swarming of lascivious, idle, and unprofitable Books and Pamphlets, Play-Books and Ballads; as, namely, 'Ovid's Art of Love;' 'the Parliament of Women,' which came out at the dissolving of the last parliament; Barnes's Poems; Parker's Ballads, all in disgrace of religion, to the increase of all vice, and withdrawing of people from reading, studying, and hearing the word of God, and other good books. IX. The hindering of godly Books to be printed, the blotting out of, or perverting in, those which they allow to be printed, all or most of that which strikes either at Popery or Arminianism; the adding of what or where pleaseth them; and the restraints of reprinting books, formerly licensed, without relicensing. X. The publishing and vending of Popish, Arminian,

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and other dangerous books and tenets; as, namely, That the church of Rome is a true church, and, in the worst times, never erred in fundamentals; that the subjects have no property in their estates, but that the king may take from them what he pleaseth; that all is the king's, and that he is bound by no law, and many other; from the former whereof hath sprung, XI. The Growth of Popery, and increase of Papists, Priests, and Jesuits, in sundry places, but especially about London, since the Reformation; the frequent vending of crucifixes and Popish pictures, both engraven and printed, and the placing of such in Bibles. XII. The multitude of Monopolies and Patents, drawing with them innumerable perjuries; the large increase of Customs and Impositions upon Commodities; the Ship-Money, and many other great burthens upon the commonwealth, under which we all groan. XIII. Moreover, the Offices and Jurisdictions of archbishops, lord bishops, deans, archdeacons, being the same way of church government which is in the Romish church, and which was in England in the time of popery; little change thereof being made, except only the head from whence it was derived; the same arguments supporting the Pope, which do uphold the prelates; and overthrowing the prelates, which do pull down the Pope; and other reformed churches having, upon their rejection of the Pope, cast the prelates out also as members of the Beast: Hence it is, that the prelates here in England, by themselves or their disciples, plead and maintain, that the Pope is not antichrist, and that the church of Rome is a true church, hath not erred in fundamental points, and that salvation is attainable in that religion; and therefore have restrained to pray for the conversion of our sovereign lady the queen. Hence also hath come, XIV. The great Conformity and Likeness, both continued and encreased, of our church to the church of Rome, in vestures, postures, ceremonies, and administrations; namely, as the bishops rochets, and the lawn sleeves, the four-cornered cap, the cope and surplice, the tippet, the hood, and the canonical coat, the pulpits clothed, especially now of late, with the jesuits badge upon them every way. XV. The standing up at Gloria Patri, and at reading the Gospel, praying towards the East, the bowing at the name of Jesus, the bowing to the altar towards the East, cross in baptism, the kneeling at the communion. XVI. The turning of the communion-table altar-wise; setting images, crucifixes, and conceits over them, and tapers and books upon them, and bowing and adoring to or before them; the reading of the second service at the altar, and forcing people to come up thither to receive, or else denying the sacrament to them; terming the altar to be the mercy-seat, or the place of God Almighty in the church; which is a plain device to usher in the mass. XVII. The christening and consecrating of churches and chapels, the consecrating fonts, pulpits, tables, chalices, churchyards, and many other things, and putting holiness in them; yea, reconsecrating upon pretended pollution, as though every thing were unclean without their consecrating; and, for want of this, sundry churches have been interdicted, and kept from use as polluted. XVIII. The Liturgy, for the most part, is framed out of the Romish Breviary, Ritual, and Mass-Book; also the Book of Ordination for archbishops and ministers, framed out of the Roman pontifical. XIX. The multitude of Canons formerly made; wherein, among other things, excommunication, ipso facto, is denounced for speaking of a word against the devices abovesaid, or subscription thereunto; though no law enjoined a restraint from the ministry without such subscription, and appeal is denied to any that should refuse subscription or unlawful conformity, though he be never so much wronged by the inferior judge; also the Canons made in the late sacred synod, as they call it, wherein are many strange and dangerous devices to undermine the Gospel, and the subjects liberties; to propagate Popery; to spoil God's people; insnare ministers and other students; and so to draw all into an absolute subjection and thraldom to them and their government, despoiling both the king and the parliament of their power. XX. The countenancing Plurality of Benefices; prohibiting of Marriages, without their license, at certain times, almost half the year; and licensing of marriages without banns asking. XXI. Prophanation of the Lord's Day, pleading for it, and enjoining ministers to read a Declaration, set forth, as it is thought, by their procurement, for tolerating of sports upon that day; suspending and depriving many godly ministers for not reading the same only out of conscience, because it was against the law of God so to do, and no law of the land to enjoin it. XXII. The pressing of the strict observation of Saints Days, whereby great sums of money are drawn out of men's purses for working on them; a very high burthen on most people, who, getting their living by their daily employments, must either omit them, and be idle, or part with their money, whereby many poor families are undone, or brought behindhand; yea, many church-wardens are sued, or threatened to be sued, by their troublesome ministers, as perjured persons, for not presenting their parishioners who failed in observing holy-days. XXIII. The great increase and frequency of Whoredoms and Adulteries, occasioned by the prelates corrupt administration of justice, in such cases; who taking upon them the punishment of it, do turn all into monies for the filling of their purses; and, lest their officers should defraud them of their gain, they have, in their late Canon, instead of remedying these vices, decreed, that the commutation of penance shall not be without the bishop's privity. XXIV. The general abuse of that great ordinance of Excommunication, which God hath left in his church to be used as the last and greatest punishment the church

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can inflict upon obstinate and great offenders; and the prelates and their officers, who, of right, have nothing to do with it, do daily excommunicate men either for doing that which is lawful, or for vain, idle, and trivial matters; as working or opening a shop on a holy-day; for not appearing, at every beck, upon their summons; not paying a fee, or the like; yea, they have made it, as they do all other things, a hook or instrument wherewith to empty men's purses, and to advance their own greatness; and so that sacred ordinance of God, by their perverting of it, becomes contemptible to all men, and seldom or never used against notorious offenders; who, for the most part, are their favourites. XXV. Yea further, the pride and ambition of the prelates being boundless, unwilling to be subject to either man or laws, they claim their office and jurisdiction to be jure divino; exercise ecclesiastical authority in their own names and rights, and under their own seals; and take upon them temporal dignities, places and offices in the commonwealth, that they may sway both swords. XXVI. Hence follow the taking commissions in their own courts and consistories, and where else they sit, in matters determinable of right of common law; the putting of ministers upon parishes, without the patron's and people's consent. XXVII. The imposing of Oaths of various and trivial articles yearly upon churchwardens, and sides-men, which cannot be observed without perjury; unless they fall at jarrs continually with their ministers and neighbours, and wholly neglect their own calling. XXVIII. The exercising the oath ex officio, and other proceedings, by way of inquisition, reaching even to men's thoughts; the apprehending, and detaining of men by pursuivants; the frequent suspending and depriving of ministers; fining and imprisoning of all sorts of people; breaking up of men's houses and studies; taking away men's books, letters, and other writings: seizing upon their estates, removing them from their callings; separating between them and their wives against both their wills; the rejecting of prohibitions with threatnings; and the doing of many other outrages; to the utter infringing the laws of the realm, and the subjects and liberties, and ruining of them and their families; and, of latter time, the Judges of the land are so awed with the power and greatness of the prelates, and other ways promoted, that neither Prohibition, Habeas Corpus, or any other lawful remedy can be had, or take place, for the distressed subjects in most cases; only Papists, Jesuites, Priests, and such others as propagate Popery or Arminianism, are countenanced, spared, and have much liberty; and from hence hath followed, amongst others, these dangerous consequences, 1. The general Hope and Expectation of the Romish party, that their superstitious religion will, ere long, be fully planted in this kingdom again; and so they are encouraged to persist therein, and to practise the same openly in divers places; to the high dishonour of God, and contrary to the laws of the realm. 2. The Discouragement and Destruction of all good subjects; of whom multitudes, both clothiers, merchants, and others, being deprived of their ministers, and over-burthened with these pressures, have departed the kingdom to Holland, and other parts; and have drawn with them a great part of the manufacture of cloth and trading out of the land into other places, where they reside; whereby wool, the great staple of the kingdom, is become of small value and vends not; trading is decayed; many poor people want work; seamen lose employment; and the whole land much impoverished, to the great dishonour of this kingdom, and blemishment to the government thereof. 3. The present wars and commotions between his majesty and his subjects of Scotland; wherein his majesty and all his kingdom are indangered, and suffer greatly, and are like to become a prey to the common enemy, in case the wars go on; which we exceedingly fear will not only go on, but also increase to an utter ruin of all, unless the prelates with their dependencies be removed out of England; and also they and their practices, who, as we, under your honours' favour, do verily believe and conceive, have occasioned the quarrel. All which we humbly refer to the consideration of this honourable assembly, desiring the Lord of Heaven to direct you in the right way to redress all these evils."

The attack made upon episcopal jurisdiction did not stop here; for the commons not only censured the whole body of the established church, but severely punished, by imprisonment, or otherwise, several particular members of it. The Journals are full of the names of delinquents sent for and imprisoned, fined, &c. for carrying on, in their several cures, superstition and idolatry, as it is there called; such as bowing to the Altar, setting of the table altar-wise, with rails about it; for putting J. H. S. on the communion-cloth, painting images in churches, and the like.

Dec. 14. The Treasurer of the Household was intreated to acquaint his majesty with the great care and affection of this house to advance and settle his revenue; and, for that purpose, do humbly desire his majesty that he will give them leave to enter into the debate of his revenue and expences.

The commons entered into debate concerning the New Canons made by the late convocation. Sir E. Dering, Sir Benj. Rudyard, and Mr. Nathaniel Fiennes, spoke warmly against them: but as these speeches are long and tedious, and as the principal arguments therein have been fully argued in the foregoing debates on Grievances, we purposely omit them.

Resolution against the Canons lately made by the Convocation.] Dec. 15. After a long debate on the Canons, it was resolved, upon the question, nullo contradicente, 1. "That the Clergy of England, convented in any Convocation, or Synod, or otherwise, have no power to make any constitutions, canons, or acts

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whatsoever, in matter of doctrine, discipline, or otherwise, to bind the clergy or the laity of this land, without common consent of parliament." 2. "That the several Constitutions and Canons Ecclesiastical, treated upon by the archbishops of Canterbury and York, presidents of the respective convocations for those provinces, with the rest of the bishops and clergy, and agreed on, with the king's licence, in their several synods, begun at London and York, do not bind the clergy or laity of this land, or either of them."

Dec. 16. It was further resolved, 1. "That the Canons and Constitutions do contain in them many matters contrary to the king's prerogative, to the fundamental laws and statutes of this realm, to the right of parliaments, to the property and liberty of the subjects, and are matters tending to sedition, and of dangerous consequence." 2. "That the several grants of Benevolence, and Contribution granted to his majesty, by the clergy of the provinces of Canterbury and York, in the several convocations, or synods, holden at London and York, in 1640, are contrary to the laws, and ought not to bind the clergy."

A committee was appointed to prepare the several votes, concerning the new Canons, and to make them ready for this house to present to the lords; and to examine and consider who were the promoters of these new Canons, and who the principal actors; and what execution has been made upon them, and by whom; and to consider how far, in particular, the lord abp. of Canterbury has been an actor in all the proceedings of them; and further to examine how far he has been an actor in the great design of the subversion of the laws of the realm, and of the religion; and to prepare and draw up a Charge against him and such others as shall appear offenders in these particulars. To have power to send for persons, papers, records, books, and witnesses, and to do any other act which they, in their judgments, think fit.

Dec. 17. The Treasurer of the Household informed the house, "That the king, being acquainted by him with the great care and affection of the commons, to advance and settle his majesty's Revenue, doth very graciously interpret the same; and had commanded him to give the house thanks for it in his name: That his majesty doth give the house free leave to enter into the debate of his Revenues and Expences, as is desired; and hath given orders, that all his officers and ministers, from time to time, shall assist the house therein, as occasion shall be."

The late Breaches of Parliamentary Privileges inquired into.] Dec. 18. A committee was appointed to take into consideration the Breaches of Parliamentary Privileges, both in the last parliament, and in that of 3tio Caroli; and, especially, the proceedings against Mr. Hollis, Sir Peter Hayman, Mr. Strode, Mr. Valentine, Mr. Selden, Mr. Walter Long, Sir John Elliot, Sir Miles Hobart, Mr. Crew, Mr. Bellasise, Sir John Hotham, Mr. Hampden, Mr. Pym, and Sir Walter Erle, members of either the last parl. or that of 3tio Caroli. And they are likewise to consider what reparations are fit to be granted to the parties grieved; and to think of some course to prevent the like hereafter; but the committee is first to inquire after, and to consider of the Breaches of Parliament, 3tio Caroli, and report them to the house.

Dr. Laud, Archbishop of Canterbury, charged with High Treason.] It was resolved upon the question, "That a Message be sent to the lords, to accuse Wm. Laud, archbishop of Canterbury, of High Treason, in the name of this house, and of all the commons of England; and to desire that he may be forthwith sequestred from parliament, and be committed. That, within some convenient time, this house will resort to their lordships with particular accusations and Articles against him." Mr. Hollis was appointed to go up to the lords with this message; who, soon after returning, reported, 'That he had delivered it; and that the lord keeper told him the lords had considered of the message, and, accordingly, had sequestred the archbishop from the house, and committed him to the custody of their gentleman usher."—In the Journals of the Lords there is nothing more particular relating to this affair, except, That when the archbishop was accused there, as is said, he desired leave to speak, and dropped some unguarded expressions, which he afterwards begged to recant, but was refused. He then desired leave to go to his house to fetch some papers that might enabled him to make his defence, which the house granted, provided he did nothing but in sight of the gentleman usher, in whose custody he was ordered to remain.

On this occasion, we find a speech made by Mr. Grimston. The trial at large of the archbishop being printed singly, and also in the State Trials, we shall pass it over cursorily; but shall nevertheless give this speech, because it exhibits, by way of abstract, the whole accusation against that prelate.

Mr. *Grimston* said:—'Mr. Speaker; There hath been presented to the house a most faithful and exact report of the conference we had with the lords yesterday, together with the opinion of the committees that we employed in the service, that they conceived it fit, that the abp. of Canterbury should be sequestred; and I must second the motion: and, with the favour of this house, I shall be bold to offer my reasons, why I conceive it more necessary we should proceed a little further than the desire of a bare sequestration only.—Mr. Speaker, long introductions are not suitable to weighty businesses; we are now fallen upon the great man, the abp. of Canterbury. Look upon him as he is in highness, and he is the sty of all pestilential filth, that hath infected the state and government of this commonwealth: look upon him in his dependences, and he is the man, the only man, that hath raised and ad-

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vanced all those that, together with himself, have been the authors and causers of all the ruins, miseries, and calamities we now groan under. Who is it but he, only, that hath brought the earl of Strafford to all his great places and employments? A fit spirit and instrument to act and execute all his wicked and bloody designs in these kingdoms. Who is it but he, only, that brought in secretary Windebank into that place of trust; the very broker and pauder to the whore of Babylon? Who is it, Mr. Speaker, but he, only, that hath advanced all our Popish bishops? I shall name but some of them; bishop Manwaring,* the bishop of Bath and Wells,† the bishop of Oxford,‡ and bishop Wren,‖ the least of all these birds, but one of the most unclean ones. These are the men that should have fed Christ's flock, but they are the wolves that have devoured them; the sheep should have fed upon the mountains, but the mountains have eaten up the sheep. It was the happiness of our church, when the zeal of God's house eat up the bishops, glorious and brave martyrs, that went to the stake in defence of the Protestant religion; but the zeal of our bishops hath been only to persecute and eat up the church. Who is it, Mr. Speaker, but this great archbishop of Canterbury, that hath sitten at the helm, to steer and to manage all the unlawful projects that have been set on foot in this kingdom these ten years last past? And rather than he would stand out, he hath most unworthily trucked and chafered in the meanest of them; as for instance, that of Tobacco, wherein thousands of poor people have been stripped and turned out of their trades, for which they have served as apprentices: we all know he was the compounder and contracter with them for the licences, putting them to pay fines, and a fee-farm rent to use their trade. Certainly, Mr. Speaker, he might have spent his time much better, and more for his grace in the pulpit, then thus sherking and raking in the Tobacco-shops. Mr. Speaker, we all know what he hath been charged with here in this house; crimes of a dangerous consequence, and of a transcendent nature; no less than the subversion of the government of this kingdom, and the alteration of the Protestant religion; and this not upon a bare information only, but much of it is come before us already upon clear and manifest proofs; and there is scarce any grievance or complaint come before us in this place, wherein we do not find him intermentioned, and, as it were, twisted into it; like a busy angry wasp, his sting is in the tail of every thing: we have likewise, this day, heard, in the report of the conference of yesterday, the accusation which the Scots nation hath charged him withal; and we do all know he is guilty of the same, if not more, here in this kingdom. Mr. Speaker, he hath been the great and common enemy of all goodness and good men; and it is not safe that such a viper should be near his maj.'s person, to distil his poison into his sacred ears; nor is it safe for the commonwealth, that he sit in so eminent a place of government, being thus accused: we know what we did in the earl of Strafford's case: this man is the corrupt fountain that hath infected all the streams, and till the fountain be purged, we can never expect or hope to have clear channels. I shall be, therefore, bold to offer my opinion, and, if I err, it is the error of my judgment, and not my want of zeal and affection to the public good. I conceive it is most necessary and fit, that we should now take up a resolution to do somewhat; to strike while the iron is hot; and to go up to the lords in the names of the commons of this house, and in the names of the commons of England, and to accuse him of High Treason; and to desire their lordships his person may be sequestred, that, in convenient time, we may bring up his Charge.'

Informations against Dr. Wren, Bp. of Ely.] Dec. 19. It was ordered, "That a message should be sent to the lords, to acquaint them, that there are certain Informations of a high nature, in their house, against Dr. Matthew Wren, bishop of Ely, concerning the setting up of Idolatry and Superstition, in divers places, and exercising some acts of it in his own person; with divers other matters of great importance; and that they have information likewise, that he endeavours an escape: therefore they desire their lordships that there may be some care taken, that he may give good security to abide the judgment of parliament.' Mr. Hampden went up with this message, to whom the lord keeper returned this Answer, 'That their lordships had ordered the bishop of Ely to give bail for 10,000*l.* to stand the judgment of parliament."

Secretary Windebank flies the Kingdom.] This parliament of inquisition, as Saunderson calls it, began now to look terrible to all that lodged but under a suspicion of guilt; but insufferable to those whose consciences condemned themselves. Sir Francis Windebank, secretary of state, was said to be one of the latter; who, observing a storm rising strongly against him, by some votes in the house, about the beginning of December, thought proper to withdraw himself to a place of greater safety, and fled into France.

Articles against Secretary Windebank.] The Articles against him were ready drawn up, and the crimes he was accused of were as follows:— "1. Seventy-four Letters of Grace to Recusants, within these 4 years, signed by his own hand. 2. Sixty-four Priests in the Gatehouse, within these 4 years discharged, for the most part, by him. 3. Twenty-nine discharged by his verbal order. 4. A Warrant to protect one Muffon, a condemned Priest, and all the houses he frequented. 5. One committed by the king's own hand, and discharged by him, without signification of the king's pleasure therein. 6. A Petition of St. Giles in the fields, near London, to the king, of the Increase of Popery in

* Bishop of St. Davids'. † Dr. Wm. Piers. ‡ Dr. John Bancroft. ‖ Bishop of Ely.

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their parish, wherein 21 persons were seduced and turned by two priests, the which priests were both discharged by him."

Secretary Windebank's Vindication of himself in a Letter to the Earl of Pembroke.] From Calais this unfortunate statesman wrote the following letter to Philip earl of Pembroke, then lord great chamberlain of England; which, though not strictly parliamentary, may well claim a place in this history. It was in these words:*—"My lord, I owe myself to your lordship for your late favours, and therefore much more the account of myself; though the debt, in either respect, be of little consideration, and the cancelling of both may be of greater advantage to you than to continue the obligation.—This account had been presented to your lordship at my first arrival here with my first dispatches, but I was so mortified with my hazardous passage in an open shallop, and so perplexed with the thoughts of miseries, into which I find myself plunged; and besides, the departure of the messenger that carried those letters, was so sudden, that it was not possible to perform this duty to your lordship sooner; for the which I do most humbly crave pardon. Your lordship may now please to accept the expressions, from the saddest and most wounded soul in the whole world, who am a spectacle of misery in myself, in my distressed wife and children, and in my whole fortunes; who have left the attending of my sovereign and master, and access to the best prince in the world; who am become a scorn and by-word to all the world, both at home and abroad; a wanderer, an exile from my own country, now in the declination of my years, and likely to end my days in a remote country, far from the comfort of all my friends. —What I am guilty of none knows so well as his majesty, whom I have served faithfully, diligently, and with as true and loyal a heart, according to my poor abilities, as any other whatsoever; and if I found my conscience charged with any crime of baseness, corruption, infidelity, or any thing else unworthy of a gentleman, I should not venture to address these complaints to your lordship, or to any other person of honour.—In this disconsolate estate, being an object not altogether unworthy of your lordship's compassion, be it for no other respect, but that I have long served the king and queen's majesties, I doubt not but your lordship, in your generosity and goodness, will have a lively sense and feeling of my sufferings, and vouchsafe me such relief as in your honour you may; and if myself, who, by course of nature, cannot be now of long continuance, be not considerable, I must beseech your lordship to have pity upon my poor innocent wife and children, that they receive such comfort and assistance from you in my absence, that they may be preserved from perishing. And to that end I most humbly crave your lordship's favour to this bearer, my son, and to give him the honour of access whensoever he shall make his addresses to you; wherein you shall do a work of singular charity.—Now, because there is an opinion in the world, that I have much improved my fortune by the Roman party, and that there hath been a design, by my ministry, to introduce popery into England, I shall humbly crave your lordship's patience in giving me leave to clear these two great misunderstandings; which, if they were true, were sufficient to render me uncapable of his majesty's favours, or of the compassion of any person of honour whatsoever.—For the first, it is notorious to all the world, that having now served his majesty, in the place of secretary, for the space of above 8 years, I have not added one foot of land to the inheritance left me by my father; which, in land and lease, was not above 500*l.* per annum; a poor and inconsiderable estate for a secretary, and such a one as most secretaries have more than trebled in a short time: for my manner of living, it hath been much under the dignity of a secretary, and if I had not been very frugal, I could not have subsisted; where then this concealed mass of treasure is, I wish those that speak so liberally of it would let me know; for I do protest to God I am utterly to seek where to discover it; and at this present I am so unfurnished with money, that if his majesty cause me not to be supplied, I am unable to subsist in these parts, without exposing my family in England to the danger of starving; and yet neither my purpose nor inclination is to live otherwise here, than in the greatest obscurity and closeness that possibly I may. I assure your lordship that those of the Roman party that passed my hands, by his majesty's commandment, were poor distressed creatures, and far from being able to enrich me: and besides, how little I have attended my own private interest, and how freely and like a gentleman (I hope I may speak the truth without ostentation) I have done courtesies to all, I wish it should rather appear by the testimony of such as have made use of my services, than by my own. My father and I have served the crown of England near 80 years together, in which time, if a greater estate had been raised it might well have been justified, considering the great employments near the persons of queen Elizabeth, king James, and his majesty that now is, we both have had; and your lordship may believe it, for I avow it upon the faith of a christian, that it is no more than I have above-mentioned; and whether there are not many, from less employments, have risen to be noblemen, and made their fortune accordingly, I leave the world to judge.—For the other suspicion, of my being a favourer or advancer of popery, I protest before the Almighty God, and as I shall answer at the last dreadful day, that I know no ground for the least suspicion thereof; neither am I myself, nor is any of mine, to my knowledge, guilty of the least thought of any such purpose; for myself, I received my bap-

* From the Collection of Speeches, &c. before cited.

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tism in the church of England, and I know nothing in the church of Rome that can win me from that church wherein I was made a Christian; I do therefore hold this church of England, not only a true and orthodox church, but the most pure and near the primitive church of any in the Christian world; and this I will be ready to seal with my blood, whensoever there shall be occasion: with this further protestation, that if I did not hold it so, I would not continue in it for any worldly consideration whatsoever.*—For that which hath passed my hands for favour of that party, it hath been merely ministerial, as his maj. best knows; and I must be bold to say that his maj. hath not been deceived by it, but hath received many greater advantages: besides that, if a secretary of state should not hold intelligence with the party, is absolutely to disable him from the service of the state, and that hath been done always more or less, and so must always continue: kings and their ministers of state have ever had, and might ever have, a latitude according to time and occasion, and cannot be so tied, according to strictness of law, as others are, without peril to the government; therefore, when the Roman party were practique and busy about the state, there was reason to be more strict; but now, by the wisdom of the queen and her good offices, they are better tempered, less severity hath been used; it being the prerogative of the prince to use moderation according to the accusation. Further than this I have not had to do with the Roman party, nor thus far, but in obedience to my master's commandment; which I hope shall not be censured a crime. This being my condition, I most humbly submit it to your lordship's wisdom and goodness; and seeing there is no malignity in it, nor prejudice to the state, that your lordship would vouchsafe me your favour and protection, and preserve from perishing your lordship's most humble and faithful, though much distressed servant, "FRAN. WINDEBANK."

"*Calais, Jan.* 11, 1640."

PROCEEDINGS ON THE IMPEACHMENT OF THE LORD KEEPER FINCH.

Dec. 21. Upon an intimation given to the house of commons by a member, That the Lord Keeper of the Great Seal, understanding that there were complaints against him in the house, desired that he might be heard to say something to the house, before they voted any thing against him: this was granted, and he was admitted in this manner:—There was a chair set for him to make use of, if he pleased, and a stool to lay the Purse upon, a little this side the bar, on the left hand as you come in. He himself brought in the Purse, and laid it on the chair; but would not sit down himself, nor put on his hat, though he was moved to do it by the Speaker; but spoke all the while bare-headed, and standing, the serjeant at arms attending the house, standing by him with the mace on his shoulder.

The Lord Keeper's Apology before the Commons.] The speech he made, on this uncommon occasion, was as follows;*

"Mr. Speaker; I do, first, present my most humble thanks to this honourable assembly, for this favour vouchsafed me, in granting me admittance to their presence; and do humbly beseech them to believe it is no desire to preserve myself, or my fortune, but to deserve the good opinions of those that have drawn me hither. I do profess, in the presence of Him that knoweth all hearts, that I had rather go from door to door, and crave Da obolum Belisario, &c. with the good opinion of this assembly, than live and enjoy all the honours and fortunes I am capable of. I do not come hither with an intention to justify my words, my actions, or my opinions; but to make a plain and clear narration thereof, and then humbly to submit myself, and all that concerns me, to the wisdom and justice of this house.—I do well understand, Mr. Speaker, with what disadvantage any man can speak in his own cause; and if I could have told how to have transmitted my thoughts and actions by a clearer representation of another, I do so much defy my own judgment in working, and my ways in expressing, that I should have been a most humble suitor, that another might have done it. But this house will not be taken with words, but with clear and ingenuous dealing; and therefore I shall beseech them to think, I come not hither with a set and studied speech: I come to speak my heart, and to speak it clearly and plainly, and then leave it to your clemency and justice; and I hope, if any thing shall slip from me, to work contrary to my meaning or intention, disorderly or ill placed, you will be pleased to make a favourable construction, and leave me the liberty of explanation, if there shall be any: but I hope there shall be no cause for it.—I hope, for my affection in religion, no man doubteth me; what my education, and under whom, for many years, is well known; I lived near 30 years in the society of Gray's-Inn: and if one, that was a reverend preacher in my time, Dr. Sibbs, were now alive, he were able to give testimony to this house, that when a party, ill-affected in religion, sought to weary him, and tire him out, he had his chiefest encouragement from me,—I have now, Mr. Speaker, been 15 years of the king's council; from the first hour

* Saunderson says, "That sir Francis Windebank having been questioned and mainly convicted for reprieving Jesuits and Priests, and of worse matters suspected guilty, got over into France, where he remained to his death a professed Roman Catholic:" but Whitlocke is more tender, saying only, "That it was reported he remained to his death a professed Papist."—Life of Charles I. p. 333. Memorials, p. 37.

* From the original edition, printed by Thomas Walkley.

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to this minute, no man is able to say that ever I was author, adviser, or consenter to any project. It pleased the king, my gracious master, after I had served him divers years, to prefer me to two places; to be Chief Justice of the Common Pleas, and then Keeper of his Great seal. I say it in the presence of God, I was so far from the thoughts of the one, and from the ambition of the other, that but for my master's grace and goodness, I had never enjoyed those honours—I cannot tell, Mr. Speaker, nor do I know, what particulars there are that may draw me into your disfavour or ill opinion; and therefore I shall come very weakly armed: yet to those that either in my own knowledge, or by such knowledge as is given me, and not from any in this house, I shall speak somewhat, that I hope, being truth, and accompanied with clearness and ingenuity, will procure, at least, some allay of that ill opinion which may perhaps be conceived of me.—Mr. Speaker, I had once the honour to sit in the place that you do: from the first time I came thither, to the unfortunate time (see p. 490), I do appeal to all that were here then, if I served you not with candour. Ill office I never did to any of the house, good offices I have witnesses enough I did many. I was so happy that, upon an occasion which once happened, I received an expression and testimony of the good affection of this house towards me. For the last unhappy day, I had a great share in the unhappiness and sorrow of it. I hope there are enough do remember, that no man within the walls of this house did express more symptoms of sorrow, grief, and distraction, than I did.—After an adjournment for 2 or 3 days, it pleased his majesty to send for me, to let me know that he could not so resolve of things as he wished; and therefore was desirous of an adjournment for some few days more. I protest I did not then discern in his majesty any inclination, and I believe it was not in his thoughts, to dissolve this assembly; but he was pleased, in the first place, to give me a command to deliver his pleasure to the house for an adjournment for some few days, till the Monday following, as I remember; and commanded me withall to deliver his pleasure, that there should be no further speeches, but forthwith, upon the delivery of the message, I should come and wait upon him: he likewise commanded me, if questions were offered to be put, upon my allegiance I should not dare to do it. How much I did then, in all humbleness, reason with his majesty, is not for me here to speak; only thus much let me say, I was no author of any counsel in it, I was only a person receiving a commission. I speak not this as a thing I now produce or do invent, or take up for my own excuse; but that which is known to divers, and some honourable persons in this house, to be most true. All that I will say for that, is humbly to beseech you all to consider, that if it had been any other man's case as it was mine, how he would have comported himself between the displeasure of a gracious king, and the ill opinion of this honourable assembly. I beseech you lay all together, lay my first actions and behaviour with the last; I shall submit all to your honourable and favourable constructions.—For the Shipping-Business, my opinion of that cause hath lain heavy upon me. I shall clearly and truly present unto you what every thing is, with this protestation, That if, in reckoning up my own opinion that I was of, or what I delivered, any thing of it be displeasing, or contrary to the opinion of this house, that I am far from justifying of it; but submit that, and all other my actions, to your wisdoms and goodness.—Mr. Speaker, as to the first writs that were sent out about the Shipping-business, I had no more knowledge of it, and was as ignorant as any one member of this house, or any man in the kingdom. I was neither the author nor adviser of it; and will boldly say, from the first to this hour, I did never advise nor counsel the setting forth of any Ship-Writs in my life.—Mr. Speaker, it is true that I was made chief justice of the Common Pleas some four days before the Ship-Writs went out to the ports and maritime places. As I do remember the 20th of Oct. 1634, they do bear teste; and I was sworn justice the 16th of Oct. so they went out in that time, but without my knowledge or privity: the God of Heaven knows this to be true.—Mr. Speaker, afterwards his maj. was pleased to command my lord chief justice of the king's-bench, that then was, Sir Tho. Richardson; and chief baron of the Exchequer that now is (Sir Humphrey Davenport,) and myself, then chief justice of the Common Pleas, to take into consideration the precedents then brought unto us, which we did; and after returned to his maj. what we had found out of those precedents.—It is true, afterwards, his maj. did take into consideration, that if the whole kingdom were concerned, it was not reason to lay the whole burthen upon the Cinque-ports and maritime towns only: but upon what ground his maj. took that consideration, I do confess I do know nothing of it.—His maj. did command my lord chief justice, that now is (Sir Tho. Bremston,) my lord chief baron, and myself, to return our opinions; 'Whether, when the whole kingdom is in danger, and the kingdom in general is concerned, it be not according to law and reason, that the whole kingdom and his maj. and all interested therein, should join in defending and preserving thereof?' This was in time, about 1634.—In Michaelmas term following, his maj. commanded me to go to all the Judges, and require their opinions in particular. He commanded me to do it to every one, and to charge them, upon their duty and allegiance, to keep it secret. Mr. Speaker, this was never intended by his maj. (so professed by him at that time, and so declared to all the Judges) nor was it required by him to be such a binding opinion to the subject, as to hinder him from calling it in question; nor to be binding to themselves, but that, upon better reason and advice, they might alter it; he

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only desired their opinions for his own private satisfaction.—I know very well, that extrajudicial opinions of Judges ought not to be binding: but I did think, and speak my heart and conscience freely; myself and the rest of the Judges being sworn, and by our oaths tied to counsel the king when he should require advice of us; and we were bound, by our oaths and duties, to return our opinions, when demanded; accordingly I did obey his majesty's command, and do here, before the God of Heaven, avow it.—I did never use the least promise of preferment or reward to any, nor did use the least menacing; I did leave it freely to their own consciences and liberty, for I was left the liberty of my own by his majesty, and had reason to leave them the same liberty.—And I beseech you be pleased to have some belief, that I would not say this, but that I know the God of Heaven will make it appear; and I beseech you, that extravagant speeches may not move against that which is a positive and clear truth.—Mr. Speaker, in the discourse of this (as there are, between Judges, some small discourses sometimes) never was there any cause wherein Judges conferred, that so little conference was as between me and them. Mr. Speaker, against a negative I can say nothing; but I shall affirm nothing unto you, but, by the grace of God, as I affirm it to be true, so I make no doubt of making it appear to be so. This opinion was subscribed without solicitation; there was not any man of us did make any doubt of subscribing our opinion, but two, Mr. Justice Hutton, and Mr. Justice Crooke.—Mr. Justice Crooke made not a scruple of the thing, but of the introduction, for it was thus: 'That where the ports and the maritime towns were concerned, there, according to the precedents in former times, the charge lay on them: so when the kingdom was in danger, of which his majesty was the sole judge, whether it was not agreeable to law and reason, the whole kingdom should bear the charge?' I left this case with judge Crooke. The next term I spake with him, he could give me no resolution, because he had not seen the writs in former times; but did give his opinion, 'That when the whole kingdom was in danger, the defence thereof ought to be borne by all.' So of that opinion of his, there was no need of a solicitation.—I speak no more here than I did, openly, in my argument in the Exchequer-Chamber: this is the naked truth. As for Mr. Justice Hutton, he did never subscribe at all. I will only say this, that I was so far from pressing him to give his opinion, because he did ask time to consider of it, that I will boldly say, and make it good, That when his maj. would have had him sometimes sent for, to give his opinion, I beseeched his maj. to leave him to himself and his conscience; and that was the ill office I did. The judges did subscribe in Nov. or Dec. 1635. I had no conference (nor truly, I think, by accident, any discourse) with any of the Judges touching their opinions; for, till Feb. 1636, there was no speech of it. And when they had delivered their opinions, I did return, according to my duty, to my master the king, and delivered them to him; in whose custody they be.—In Feb. 1636, upon a command that came from his maj. by one of the then secretaries of state, the judges being all assembled in Gray's-Inn, we did then fall into a debate of the case then sent unto us; and we did then return our opinion unto his maj. There was then much discourse and great debate about it. Mine opinion and conscience, at that time, was agreeable to that opinion I then delivered. I did use the best arguments I could, for the maintenance of my opinion; and that was all I did. It is true that then, at that time, Mr. Justice Hutton, and Mr. Justice Crooke, did not differ in the main point, which was this: 'When the kingdom was in danger, the charge ought to be borne by the whole kingdom.' But in this point, 'Whether the king was the sole judge of the danger?' they differed: so as there was, between the first subscription, and this debate and consultation, some 15 months difference.—It is true, that all of them did then subscribe, both justice Hutton and justice Crooke; which was returned to his majesty, and after published by my lord keeper*, my predecessor, in the Star-Chamber.—For the manner of publishing it I will say nothing, but leave it to those whose memories will call to mind what was then done. The reason of the subscription of justice Hutton and justice Crooke, though they differed in opinion, grew from this that was told them from the rest of the Judges, 'That where the greater number did agree in their vote, the rest were involved and included.'—Now, Mr. Speaker, I have faithfully delivered what I did in that business, till I came, which was afterwards, to my argument in the Exchequer-Chamber. The question was, a scire facias issued out of the Exchequer, in that case of Mr. Hampden's; of which I can say nothing, for it was there begun, and afterwards adjourned, to have advice of all the judges.—Mr. Speaker, among the rest, according to my duty, I argued the case. I shall not trouble you to tell you what my argument was; I presume there are copies enough of it: only I will, very briefly, tell you there are 4 things which I then declared. First, concerning the Matter of Danger, and necessity of the whole kingdom: I profess that there was never a judge in the kingdom did deliver an opinion, but that it must be in a case of apparent danger. When we came to an argument of the case, it was not upon a matter or issue, but it was upon a demurrer, Whether the danger was sufficiently admitted in pleading? And therefore this was not the thing in dispute, but only the first degree and step that led unto it. I did deliver myself as free and as clear as any man did, That the king ought to govern by the positive laws of the kingdom; that he could not alter nor change, nor inno-

* Thomas Lord Coventry.

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vate in matters of law, but by common consent in parliament. I did further deliver, That if this were used to make a further revenue or benefit to the king, or in any other way, but in case of necessity, and for the preservation of the kingdom, the judgment did warrant no such thing. My opinion in this business, I did, in the conclusion of my argument, submit to the judgment of this house. I never delivered my opinion, That money ought to be raised, but ships provided for the defence of this kingdom; and in that the writ was performed: and that the charge ought not to be in any case, but where the whole kingdom was in danger. Mr justice Hutton and Mr. justice Crooke were of the same opinion with me.—Having related unto you my whole carriage in this business, I do humbly submit myself to your grave and favourable censures; beseeching you not to think that I delivered these things with the least intention to subvert, or subject, the common law of the kingdom, or to bring in or to introduce any new way of government. It hath been as far from my thoughts, as any thing under the Heavens.—Mr. Speaker, I have heard, too, that there hath been some ill opinion conceived of me about Forest-business: which was a thing as far out of the way of my study, as any thing I know towards the law. But it pleased his majesty, in the sickness of Mr. Noy, to give some short warning to prepare myself for that employment. When I came there, I did both the king and commonwealth acceptable service; for I did, and dare be bold to say, with extreme danger to myself and fortune, (some do understand my meaning herein) run through that business, and left the Forest-Boundaries as I found them. When I went down about that employment, I satisfied myself about the matter of perambulation. There were great difficulties of opinions, what perambulation was. I did arm myself as well as I could before I did any thing in it. I did acquaint those that were then judges, in the presence of the noble lords, with such objections as I thought it my duty to offer unto them. If they thought they were not objections of such weight, as were fit to stir them, I would not do the king that disservice. They thought the objections had such answers as might well induce the like upon a conference with the whole country, admitting me to come and confer with them; to which the country did unanimously subscribe.—It fell out afterwards, that the king commanded me, and all this before I was chief justice, to go into Essex; and did then tell me he had been informed, that the bounds of the Forest were narrower than in truth they ought to be; and I did according to his command.—I will here profess that which is known to many. I had no thought, nor intention, of enlarging the bounds of the Forest, further than those parts for which there was a perambulation 26 Edw. 4. I desired the country to confer with me about it, if they were pleased to do it; and then, according to my duty, I did produce those records which I thought fit for his majesty's service; leaving them to discharge themselves, as by law and justice they might do. I did never, in the least kind, go about to overthrow the Charter of the Forest; and did publish and maintain Charta de Foresta, as a sacred thing, and no man to violate it; and that it ought to be preserved for the king and commonwealth. I do most humbly submit all that I have done to the goodness and justice of this house."

Whitlocke tells us, 'This Apology of lord Finch, which he calls a very elegant and ingenious speech in his own vindication, et captare benevolentiam, was delivered with an excellent grace and gesture.' He adds, "That many were exceedingly taken with his eloquence and carriage, and it was a sad sight to see a person of his greatness, parts, and favour, to appear in such a posture, before such an assembly, to plead for his life and fortunes."

The Lord Keeper being withdrawn from the house,

Mr. *Righy*, member for Wigan, stood up, and, in answer to his lordship, spoke as follows:—'Mr. Speaker; Though my judgment prompts me to sit still and be silent, yet the duty I owe to my king, my country, and my conscience, moves me to stand up and speak. Mr. Speaker, had not this syren so sweet a tongue, surely he could never have effected so much mischief to this kingdom: you know, sir, 'opti mornm putrefactio pessima;' the best things putrified become the worst; and as it is in the natural, so in the body politick; and what's to be done then, Mr. Speaker, we all know, 'ense recidendum est,' the sword of Justice must strike, 'ne pars sincera trahatur.'—Mr. Speaker, it is not the voice, 'non vox sed votum;' not the tongue, but the heart and actions that are to be suspected: for doth not our Saviour say it, 'Shew me thy faith by thy works, O man?' Now, Mr. Speaker, hath not this kingdom seen; seen, said I, nay felt and smarted under the cruelty of this man's justice? So malicious as to record it in every court of Westminster, as if he had not been contented with the enslaving of us all, unless he entailed it to all posterity. Why shall I believe words now, cum factum videam? Shall we be so weak men, as, when we have been injured and abused, to be gained again with fair words and compliments? Or, like little children, when we have been whipt and beaten, be pleased again with sweet meats? Oh, no: there be some birds that, in the summer of parliament, will sing sweetly; who, in the winter of persecution, will, for their prey, ravenously fly at all, upon our goods, nay, seize upon our persons; and hath it not been with this man so, with some in this assembly?—Mr. Speaker, it hath been objected unto us, That in judgment we should think of mercy; and 'Be ye merciful as your heavenly Father is merciful;' now God Almighty grant that we may be so, and that our hearts and judgments may be truly rectified to know truly what is

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mercy: I say to know what is mercy; for there is the point, Mr. Speaker: I have heard of foolish pity, foolish pity: do we not all know the effects of it? And I have met with this epithet to mercy, 'Crudelis misericordia;' and, in some kind, I think there may be a cruel mercy: I am sure the spirit of God saith, 'Be not pitiful in judgment;' nay it saith, 'Be not pitiful of the poor in judgment;' if not of the poor, then à latiori not of the rich; there's the emphasis. We see, by the set and solemn appointments of our courts of justice, what provision the wisdom of our ancestors hath made for the preservation, honour, and esteem of justice; witness our frequent terms, sessions, and assizes; and in what pomp and state the judges in their circuits, by the sheriffs, knights, and justices, and all the country, are attended oft-times for the hanging of a poor thief for the stealing of a hog or a sheep; nay, in some cases, for the stealing of a penny, and very justly too, in terrorem. And now, shall not some of them be hanged that have robbed us of all our property; and sheared, at once, all our sheep, and all we have away; and would have made us all indeed poor Belisarius's to have begged for halfpennies, when they would not have left us one penny that we could have called our own?—Let us therefore now, Mr. Speaker, not be so pitiful as that we become remiss; not so pitiful in judgment, as to have no judgment; but set the deplorable estate of Great Britain now before our eyes, and consider how our most gracious sovereign hath been abused, and both his majesty and all his subjects injured, by these wicked instruments: for which my humble motion is, That with these particulars we become not so merciful, as to the generality (the whole kingdom) we grow merciless. Fiat Justitia.'

It was then Resolved, upon the Question, 'That John lord Finch, baron of Fordwich, lord keeper of the Great Seal of England, shall be accused by this house of High Treason, and other misdemeanors, in the name of this house, and all the commons of England. And that the lords be desired to sequester him from parliament, and be committed; and that, within some convenient time, this house will resort to their lordships with particular Articles and Accusations against him.' Ordered, 'That the lord Falkland go up with this message.'—By the Lords Journals we find, that this last-named message was not delivered till next day; when the lords returned this Answer to it, 'That they had taken the message into consideration; but, having received intimation that the Lord Keeper was not to be found, they had ordered him into safe custody when he could be so: and when the particulars of his Charge come up against him, they will give all furtherance to it.' In the mean time his majesty, by commission under the Great Seal, had appointed sir Edw. Littleton, lord chief justice of the Common Pleas, to sit as Speaker in the Lord Keeper's place.

As the escape of the Lord Keeper Finch, prevented the further progress of the Impeachment, we shall not give the Articles at large, but content ourselves with an abstract thereof, with the lord Falkland's speech to the lords, after they were read in that house; as also a Copy of a Letter he wrote to the earl of Pembroke after his escape.

Articles of Impeachment against the Lord Keeper Finch.] The Sum of the ARTICLES against the Lord Keeper were as follows:—I. "That the said John lord Finch, baron of Fordwich, lord keeper, &c. had traiterously endeavoured to subvert the fundamental laws and established government of England, and, instead thereof, to introduce an arbitrary, tyrannical government against law; which he hath declared by traiterous and wicked words, counsels, opinions, judgments, practices, and actions. II. That, in pursuance of his traiterous purposes, he did, in the 3rd or 4th years of his majesty's reign, being then Speaker of the house of commons, and contrary to the commands of that house, deny, and hinder the reading of some things relating to the safety of the king and kingdom, and the preservation of religion, and did forbid all members to speak; and said, if any of them offered to speak, he would rise and go away, and did offer to rise and go away; endeavouring, as much as in him lay, to subvert the antient and undoubted rights and course of parliaments. III. That, being one of his majesty's council, he endeavoured to enlarge the Forests, particularly in Essex, beyond their due bounds, &c. IV. That, being chief justice of the Common Pleas in 1635, he drew up the Questions and Opinions, concerning Ship-Money, and solicited and procured the Judges to sign them. V. That he subscribed an extrajudicial Opinion relating to Ship-Money himself, and pressed the justices, Crooke and Hutton, to sign them against their consciences. VI. That he delivered his Opinion against Mr. Hampden in the Exchequer-Chamber, in the case of Ship-Money; and threatened the said judges to induce them to deliver the like opinion; and urged baron Denham to retract the opinion he had given for Mr. Hampden. VII. That he published, in his circuit, That his majesty's right to Ship-Money was so inherent in the crown, that an act of parliament could not take it away; and threatened all such as refused to pay it. VIII. That he did most of the business of the Common-Pleas in his private chamber, and sent warrants into several counties to release all persons arrested on outlawries, on paying 40s. fees; whereas no such persons ought to be bailed or released without a supersedeas under seal, or reversal. IX. The ninth Article charges him with perverting justice, while he was lord chief justice of the Common Pleas. X. That he endeavoured to incense his majesty against parliaments; and framed and advised the publishing the Declaration, after the Dissolution of the last parliament."

Lord Falkland's Speech in Support of the

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said Articles.] After the reading of these Articles,

The Lord *Falkland* made the following speech in support of them:—'My Lords; These Articles against my lord Finch being read, I may be bold to apply that of the poet,

'Nil refert tales versus qua voce legantur.'

And I doubt not but your lordships must be of the same opinion, of which the house of commons appears to have been, by the choice they made of me, that the Charge I have brought is such, as needs no assistance from the bringer; leaving not so much as a colour for any defence, including all possible evidence, and all possible aggravation, that addition alone excepted, which he alone could make, and hath made, I mean his confession, included in his flight.—Here are many and mighty crimes, crimes of supererogation: so that high Treason is but a part of his charge, pursuing him fervently in every several condition; being a silent Speaker, an unjust Judge, and an unconscionable Keeper: that his life appears a perpetual warfare, by mines and by battery, by battle and by stratagem, against our fundamental laws, (which, by his own confession, several conquests had left untouched) against the excellent constitution of this kingdom, which hath made it appear unto strangers rather an idea, than a real commonwealth; and produced the honour and happiness of this as the wonder of every other nation; and this with such unfortunate success, that, as he always intended to make our ruins a ground of his advancement, so his advancement the means of our further ruin.—After that, contrary to the duty of his place, and the end of that meeting in which he held his place, he had, as it were, gagged the commonwealth; taking away, to his power, all power of speech from that body, of which he ought to have been the mouth, and which alone can perfectly represent the condition of the people, whom that only represents; which, if he had not done, in all probability, what so grave and judicious an assembly might have offered to the consideration of so gracious and just a prince, had occasioned the redress of the Grievances they then suffered, and prevented those which they have since endured: according to the antient maxim of 'Odisse quos læseris,' he pursued this offence towards the parliament, by inveighing against the members, by scandalizing their proceedings, by trampling upon their Acts and Declarations, by usurping and devolving the right, by diminishing and abrogating the power, both of that and other parliaments, and making them, as much as in him lay, both useless and odious to his maj.; nay, he pursued his hatred to this fountain of justice, by corrupting the streams of it, the laws; and perverting the conduit pipes, the judges.—He practised the annihilating of antient and notorious perambulations of particular Forests, the better to prepare himself to annihilate the antient and notorious perambulations of the whole kingdom; the meeres and boundaries between the liberties of the subject and sovereign power; he endeavoured to have all tenures durante beniplacito, and to bring all law from his maj.'s courts into his majesty's breast; he gave our goods to the king, our lands to the deer, our liberties to his sheriffs; so that there was no way by which we had not been oppressed and destroyed, if the power of this person had been equal to his will; or that the will of his majesty had been equal to his power.—He not only, by this means, made us liable to all the effects of an invasion from without, and (by destruction of our liberties, which included the destruction of our property, which included the destruction of our industry) made us liable to the terriblest of all invasions within, that of want and poverty: so that, if what he plotted had taken root (and he made it as sure as his declaration could make it, what himself was not, parliament-proof) in this wealthy and happy kingdom, there could have been left no abundance but of grievances and discontent, no satisfaction but amongst the guilty.—It is generally observed of the plague, that the infection of others, is an earnest and constant desire of all that are seized by it; and as this design resembles that disease, in the ruin, destruction, and desolation it would have wrought, so it seems no less like it in the effect; he having so laboured to make others share in that guilt, that his solicitation was not only his action, but theirs; making use both of his authority, his interest, and importunity to persuade; and, in his majesty's name (whose piety is known to give that excellent prerogative to his person, that the law gives to his place, not to be able to do wrong) to threaten the rest of the Judges, to sign Opinions contrary to law; to assign Answers contrary to their Opinions; to give Judgment, which they ought not to have given; and to recant Judgment, when they had given it as they ought: so that whosoever considers his care of, and concernment, both in the growth and the continuance of this project, cannot but, by the same way, by which the wisest judgment found the true mother of the child, discover him not only to have been the fosterer, but the father of this most pernicious and envious design.—I shall not need to observe, that this was plotted and pursued by an Englishman against England; which increaseth the crime in no less degree than parricide is beyond murder: that this was done in the greatest matter joined to the greatest bond, being against the general liberty, and publick property, by a sworn Judge; and if salt itself become unsavoury, the gospel itself hath designed whither it must be cast: that he poisoned our very antidotes, and turned our guards into a destruction, making law the ground of illegality: that he used the law not only against us, but against itself; making it, as I may say, felo de se; making the pretence, for I can scarce say, the appearance of it, so to contribute to the utter ruin of itself.—I shall not need to say, that either this is, or can be

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of the highest kind, and in the highest degree, Parliamentary Treason; a treason which needs not a combination of many several actions, which alone were not treason, to prove a treason altogether; and by that demonstration of the intention, to make that formally treason, which were, materially, but a misdemeanor; a treason as well against the king, as against the kingdom; for whatsoever is against the whole, is undoubtedly against the head; which takes from his majesty the ground of his rule, the Laws; (for if foundations be destroyed, the pinnacles are most endangered) which takes from his majesty the principal honour of his rule, the Ruling over free Men; a power as much nobler than that over villains, as that is over beasts; which endeavoured to take from his majesty the principal support of his Rule, their hearts and affections over whom he rules; a better and surer strength and wall to the king, than the sea is to the kingdom; and, by begetting a mutual distrust, and by that a mutual disaffection between them, to hazard the danger even of the destruction of both.—My lords, I shall the less need to press this, because as it were unreasonable in any case to suspect your justice; so, here especially, where your interest so nearly unites you; your great share in possessions, giving you an equal concernment in property; the care and pains, used by your noble ancestors in the founding and asserting of our common liberties, rendering the just defence of them your most proper and peculiar inheritance; and both exciting to oppose and extirpate all such designs as did introduce, and would have settled an arbitrary, that is, an intolerable form of government; and have made even your lordships and your posterity but right honourable slaves.—My lords, I will spend no more words, 'luctando cum larva,' in accusing the ghost of a departed person, whom his crimes accuse more than I can do; and his absence accuseth no less than his crimes. Neither will I excuse the length of what I have said, because I cannot add to an excuse, without adding to the fault; nor plead for my own imperfections, either in the matter or manner of it. I will only desire by the command, and in the behalf of the house of commons, that these proceedings against the lord keeper Finch may be put in so speedy a way of dispatch, as in such cases the course of parliament will allow.'

Lord Keeper Finch's Letter to the Earl of Pembroke, after his Escape.] The Lord Keeper's Letter from the Hague, to the earl of Pembroke, lord chamberlain, after his escape, was as follows:—

"Hague, Jan. 3, 1640.

"My most well-beloved lord; The interest your lordship hath ever had in the best of my fortunes and affections, gives me the privilege of troubling your lordship with these few lines, from one that hath now nothing left to serve you withall but his prayers: these your lordship shall never want, with an heart as full of true affection to your lordship, as ever any was.—My lord, it was not the loss of my place, and with that of my fortunes, nor being exiled from my dear country and friends, though many of them were cause of sorrow, that afflicts; but that which I most suffer under, is, that displeasure of the house of commons conceived against me: I know how true a heart I have ever borne towards them, and your lordship can witness, in part, what ways I have gone in, but silence and patience best becomes me; with these I must leave myself and my actions to the favourable construction of my noble friends, in which number your lordship hath a prime place. I am now at the Hague, where I arrived on Thursday the last day of last month, where I purpose to live in a fashion agreeable to the poorness of my fortunes. As for any views in this world, I have utterly cast off the thoughts of them; and my aim shall be so to learn 'to number my days, that I may apply my heart unto wisdom;' that wisdom that shall wipe all tears from mine eyes and heart, and lead me by the hand to true happiness, which can never be taken from me. I pray the God of Heaven to bless this parliament with both a happy progress and conclusion: if my ruin may conduce but the least to it, I shall not repine at it. I truly pray for your lordship, and your noble family, that God would give an increase of all worldly blessings, and, in the fullness of days, to receive you to his Glory; if I were capable of serving any body, I would tell your lordship, that no man should be readier to make known his devotion, and true gratitude to your lordship, than your lordship's most humble and affectionate poor kinsman and servant, "FINCH."

Articles of Impeachment against sir George Ratcliff.] Dec. 31. Sir George Ratcliff was impeached by the commons, at a conference with the other house, on the following Articles:

I. "That he the said sir George Ratcliff hath traiterously conspired and confederated with Tho. earl of Strafford, to subvert the fundamental laws and governments of the realms of England and Ireland; and to introduce arbitrary and tyrannical government, against laws; and hath been a counsellor, actor, and abettor in that wicked and traiterous design of bringing the Irish army into England, to compel the subjects of this kingdom to submit thereunto. II. That he hath traiterously confederated and conspired with the said earl of Strafford, and hath been an actor, counsellor, and instrument to him, in assuming and exercising regal power, over the liberties and persons, lands and goods of his majesty's subjects of Ireland; and accordingly hath exercised the same tyrannically, to the subversion and undoing of divers of his majesty's liege people. III. That, for the better enabling of the said earl and himself to go on with their traiterous designs, he, the said sir G. R. traiterously joined and confederated with the said earl, in taking great sums of money out of his majesty's

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exchequer of Ireland, and converting them to the use of the said earl and himself, when his majesty was necessitated for his own urgent occasions, the army having been then long unpaid. IV. That he hath traiterously confederated with the said earl, and abused the power and authority which he held in Ireland, to the countenancing and encouraging of papists, that he might settle a mutual dependence and confidence betwixt the earl and himself, and that party; and to alienate the affections of the Irish Papists from the subjects of England, and by their help to prosecute and accomplish their malicious and tyrannical designs. V. That he hath traiterously confederated with the said earl of Strafford, in plotting and endeavouring to stir up enmity and hostility between his majesty's subjects of Ireland and those of Scotland. VI. That, the better to preserve himself and the said earl, in these and other traiterous courses, he hath laboured to subvert the rights of parliament, and the antient course of parliamentary proceedings.—All which offences were committed during the time that the said sir George was a counsellor of state in the kingdom of Ireland, and had taken oath for the faithful discharge of the same. By which actions, confederacies, and conspiracies, he hath, traiterously, and contrary to his allegiance, endeavoured the ruin and destruction of his majesty's kingdoms, for which they do impeach the said sir George Ratcliff of High Treason against our sovereign lord the king, his crown and dignity. And the said commons saving to themselves, &c. do pray that the said sir George may be put to answer all and every of the premisses, and that such trial and judgment may be had thereon, as is agreeable to law and justice."

Mr. Pym's Speech in support of the said Articles.] After the reading of these Articles, Mr. *Pym* delivered himself to the lords in these words:* 'My Lords; By hearing this Charge, your lordships may perceive what near conjunction there is between this cause and the earl of Strafford's: the materials are, for the most part, the same in both: the offences of the earl, moving from a higher orb, are more comprehensive; they extend both to England and Ireland: these, except in one particular, of reducing England by the Irish army, are confined within this kingdom. The earl is charged as an author, sir George as an instrument and subordinate actor. The influences of superior planets are often augmented and enforced, but seldom mitigated by the concurrence of the inferior, where merit doth arise not from well-doing, but from ill: the officiousness of ministers will rather add to the malignity of their instructions, than diminish it; that so they may more fully ingratiate themselves with those upon whom they depend. —In the crimes committed by the earl, there appears more haughtiness and fierceness, being acted by his own principles. Those motions are ever strongest, which are nearest the primum mobile: but in those of sir George, there seems to be more baseness and servility, having resigned and subjected himself to be acted upon by the corrupt will of another.—The earl of Strafford hath not been bred in the study and practice of the law, and having stronger lusts and passions to incite, and less knowledge to restrain him, might more easily be transported from the rule. Sir George, in his natural temper and disposition, being more moderate, and, by his education and profession, better acquainted with the grounds and directions of the law, was carried into his offences by a more immediate concurrence of will, and a more corrupt suppression of his own reason and judgment. My lords, as both these have been partners in offending; so it is the desire of the commons they may be put under such Trial and Examination, and other proceedings of justice, as may bring them to partake of a deserved punishment, for the safety and good of both kingdoms."

Sir George Ratcliff was then ordered to be brought to the bar, and told, That the house of commons had brought up Articles of High Treason against him; which being read unto him, and having liberty to speak, he desired their lordships that he might have counsel assigned him, with liberty to come and advise him; because he conceived there was in the charge divers points of law to be considered, and he himself was altogether unknowing in the manner of proceedings in this house. Next he desired, that he might be allowed a competent time to answer in. Both which requests were granted him.—Then their lordships called in the keeper of the Gatehouse and told him that sir George was committed upon an accusation of High Treason: therefore they would now expect from him that he should be kept in safe custody upon his peril; and that every night he must take a note what persons have visited him that day, and every Saturday give an account of it to this house.

Informations against six of the Judges.] Dec. 22. The commons resolved, "That a message be forthwith sent to the lords, to desire them that the lord chief justice Bramston, lord chief baron Davenport, justice Berkley, justice Crawley, baron Trevor, and baron Weston, do, by themselves and others, put in good security to abide the judgment of parliament; for that there are Informations of Crimes of a high nature against them in this house." Mr. Waller to go up with this Message. The Journals of the Lords acquaint us, That when Mr Waller had accused the Judges, as aforesaid, they being all present except the lord chief baron, submitted themselves to the pleasure of the house. And it was ordered, 'That the said Judges, for the present, should enter into recognizances, in open court, of 10,000*l.* each, to abide the censure of parliament.' Which was done accordingly; and the next day sir H. Davenport gave the same security.

* From a collection of this gentleman's speeches, printed by Richard Smithers, 1641.

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Two additional Subsidies voted.] Dec. 23. The commons having resolved itself into a committee of the whole house, on the Supply, it was resolved, "That two Subsidies more should be added to those Subsidies already agreed upon, to be employed to the same uses, or to such as this house shall appoint." On this occasion,

Sir *Benj. Rudyard** rose and said: 'Mr. Speaker; The principal part of this business is money; and now we are about it, I shall be glad we may give so much as will not only serve the turn for the present, but likewise to provide that it come not quick upon us again: I believe that the two Subsidies are spent already. We know how much time this business hath cost us; if we be but half as long about another, it may cost more than money: for if two armies should be driven to extreme necessity, (and they will be judges of their own necessity) we shall not be able to sit here, and give more, though we would. Believe it, sir, this is the business of all the businesses in the house; of all the businesses in the kingdom: if we stand hacking for a little money, we may very thriftily lose all we have; this being a business of so peremptory and destructive a nature. Wherefore, my humble and earnest motion is, That we may dispatch it fully, and at once; if there should be an overplus of money remaining, we can soon resolve how to dispose of it. Four Subsidies will do the work, if they be given presently; for every day tells us that we are not so much masters of our own time and occasions, as to do every thing when we would: let us do this whilst we may. Though I dwell not in the North, yet I dwell in England.'

The Abp. of Canterbury's Petition to the Lords.] The same day a Petition was presented to the lords from the archbishop of Canterbury, in these words:

"That whereas your lordships petitioner, when he was to withdraw and leave that honourable assembly, gave offence to your lordships in some thing which passed from him in his speech, he is very heartily sorry for the same; and most humbly prayeth that your lordships will pass by that passionate offence, pressed from your petitioner by the weight and unexpectedness of the charge which fell upon him. And that your honourable lordships would be pleased to grant that your humble petitioner may have some liberty to take the air, for his health's sake, under what safeguard your lordships shall think fit; and this in regard that his health begins to fail him already, by reason the house where he is hath no place in which he may take any fresh air at all."

Whereupon the house ordered, "That the archbishop should take the air, for his health's sake, in company with Mr. Maxwell, the gentleman usher, to any place excepting the Spring-Garden, or any belonging to the king's house. But to be suffered to speak with nobody at that time out of the presence of the said usher, and he to be answerable for his grace's forthcoming."

Information against Dr. Piers Bishop of Bath and Wells.] Dec. 24. It was resolved, by the commons, upon the question, 'That, upon several Informations and Complaints to this house made against Dr. Wm. Piers, bishop of Bath and Wells, of divers heinous crimes, tending to corruption and subversion of religion in that diocese, and other misdemeanors of a high nature, a message shall be sent to the lords, to desire them to take security from himself, and others, to be forthcoming, and to stand and abide the judgment of parliament. Sir H. Mildmay to go up with this message.' This was done accordingly, and the bishop, by himself and sureties, was bound in 10,000*l.* bond to answer this Charge of the commons against him.

Alterations in the Judges Patents.] Jan. 15. About the beginning of this month a motion having been made, 'That for the future, this clause, 'Quamdiu se bene gesserint,' might be inserted in the patents of the Judges, instead of 'Durante beneplacito;' and a committee having been appointed to wait on the king with this request, the earl marshal and the lord Chamberlain reported this day, That his majesty condescended to the desired alteration for the future.

Bill for frequent holding of Parliaments.] Jan. 19. A Bill was brought in and read, called, 'A bill for preventing Inconvenience happening by the long Intermission of Parliaments;' and, upon the question, ordered to be engrossed. The next day it passed the commons, and was sent up to the lords. In the course of its progress through the commons,

Lord *Digby** addressed the house thus: 'Mr. Speaker; I rise not now, with an intent to speak to the frame and structure of this bill, nor much by way of answer to objections that may be made; I hope there will be no occasion for this, but that we shall concur, all unanimously, in what concerneth all so universally. Only, sir, by way of preparation, to the end that we may not be discouraged in this great work, by difficulties that may appear in the way of it, I shall deliver unto you my apprehensions in general, of the vast importance and necessity that we should go through with it. The result of my sense is, in short, this, That, unless for the frequent convening of parliaments, there be some such course settled as may not be eluded, neither the people can be prosperous and secure, nor the king himself solidly happy. I take this to be the unum necessarium: let us procure this, and all our other desires will effect themselves. If this bill miscarry, I shall have left me no public hopes; and, once past, I shall be freed of all

* From the original edition printed by Tho. Walkley.

* From the original edition, printed by Thomas Walkley.

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public fears.—The essentialness, sir, of frequent parliaments, to the happiness of this kingdom, might be inferred unto you by the reason of contraries, and from the woful experience which former times have had of the mischievous effects of any long intermission of them. But, Mr. Speaker, why should we climb higher than the level we are on; or think further than our horizon; or have recourse for exnmples in this business to any other promptuary than our own memories; nay, than the experience almost of the youngest here? The reflection, backward, on the distractions of former times upon intermission of parliaments, and the consideration, forward, of the mischiefs likely still to grow from the same cause, if not removed, doubtlesly gave first life and being to those two dormant statutes of Edw. 3. for the yearly holding of a parliament: and shall not the fresh and bleeding experience, in the present age, of miseries from the same spring, not to be paralelled in any other, obtain a wakening, a resurrection for them? The intestine distempers, sir, of former ages upon the want of parliaments, may appear to have had some other co-operative causes; as, sometimes unsuccessful wars abroad; sometimes, the absence of the prince; sometimes, competitions of titles to the crown; sometimes, perhaps, the vices of the king himself. Let us only consider the posture, the aspect of this state, both toward itself and the rest of the world; the person of our sovereign, and the nature of our suffering, since the 3d of his reign: and there can be no cause, colourably inventible, whereunto to attribute them, but the intermission, or, which is worse, the undue frustration of parliaments, by the unlucky use, if not abuse, of prerogative in the dissolving them. Take into your view, Mr. Speaker, a kingdom in a state of the greatest quiet and security that can be fancied; not only enjoying the calmest peace itself, but, to improve and secure its happy condition, all the rest of the world at the same time in tempests, in combustions, in uncoinposable wars. Take into your view, sir, a king, sovereign of three kingdoms, by a concentring of all the royal lines in his person, as indisputably as any mathematical ones in Euclid; a king, firm and knowing in his religion, eminent in virtue; a king, that hath, in his own time, given all the rights and liberties of his subjects a more clear and ample confirmation, freely and graciously (I mean in the Petition of Right) than any of his predecessors, (when the people had them at advantage) extortedly. This is one map of England, Mr. Speaker. A man, sir, that should present unto you, now, a kingdom, groaning under that supreme law which salus populi periclitata would enact; the liberty, the property, of the subject fundamentally subverted, ravished away by the violence of a pretended necessity; a triple crown shaking with distempers; men of the best conscience ready to fly into the wilderness for religion! Would not one swear that this were the antipodes to the other? And yet, let me tell you, Mr. Speaker, this is a map of England too, and both at the same time but too true.—As it cannot be denied, Mr. Speaker, that, since the Conquest, there hath not been in this kingdom a fuller concurrence of all circumstances in the former character, to have made a kingdom happy, than for these 12 years last past; so it is most certain, that there hath not been, in all that deduction of ages, such a conspiracy, if one may so say, of all the elements of mischief in the second character, to bring a flourishing kingdom, if it were possible, to swift ruin and desolation. I will be bold to say, (and I thank God, we have so good a king, under whom we may speak boldly of the abuse of his power, by ill ministers, without reflection upon his person) that an accumulation of all the public Grievances since Mag-Charta, one upon another, unto that hour in which the Petition of Right passed into an act of parliament, would not amount to so oppressive, I am sure not to so destructive, a height and magnitude to the rights and property of the subject, as one branch of our beslaving since the Petition of Right! The branch I mean is the Judgment concerning Ship-Money.—This being a true representation of England, in both aspects, let him, Mr. Speaker, that (for the unmatched oppression and enthralling of free subjects, in a time of the best king's reign, and in memory of the best laws enacted in favour of subjects liberty) can find a truer cause than the ruptures and intermission of parliaments; let him, I say, and him alone, be against the settling of this inevitable way for the frequent holding of them.—It is true, sir, wicked ministers have been the proximate causes of our miseries; but the want of Parliaments the primary, the efficient causes: ill ministers have made ill times; but that, sir, hath made ill ministers. I have read, among the laws of the Athenians, a form of recourse, in their oaths and vows of their greatest and public concernment, to a threefold deity, Supplicium exauditori, purgatori, malorum depulsori. I doubt not but we, here assembled for the commonwealth in this parliament, shall meet with all these attributes in our sovereign. I make no question but he will graciously hear our supplications, purge away our grievances, and expel malefactors; that is, remove ill ministers, and put good in their places. No less can be expected from his wisdom and goodness.—But let me tell you, Mr. Speaker, if we partake not of one attribute more in him; if we address not ourselves unto that, I mean bonorum conservatori, we can have no solid, no durable comfort in all the rest: for let his majesty hear our complaints never so compassionately: Let him purge away our grievances never so efficaciously: let him punish and dispel ill ministers never so exemplarily: let him make choice of good ones never so exactly: yet, if there be not a way settled to preserve and keep them good, the mischiefs and they will all grow again like Sampson's locks, and pull down the house upon our heads. Believe it, Mr. Speaker, they will. It hath been a maxim among the wisest legis-

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lators, That whosoever means to settle good laws, must proceed in them with a sinister opinion of all mankind, and suppose, that whosoever is not wicked, it is for want only of the opportunity. It is that opportunity of being ill, that we must take away, if ever we mean to be happy; which can never be done, but by the frequency of Parliaments. No state can wisely be confident of any public minister's continuing good, longer than the rod is over him. Let me appeal to all those that were present in this house, at the agitation of the Petition of Right; and let them tell us truly of whose promotion to the management of affairs do they think the generality would, at that time, have had better hopes than of the late Mr. Noy and sir Tho. Wentworth; both being at that time, and in that business, as I have heard, most keen and active patriots; and the latter of them, (to the eternal aggravation of his infamous treachery to the commonwealth be it spoken) the first mover and insister to have this clause added to the Petition of Right, 'That, for the comfort and safety of his majesty's subjects, he would be pleased to declare his will and pleasure, that all his ministers should serve him according to the laws and statutes of the realm.' (See p. 377).—And yet, Mr. Speaker, to whom now can all the inundations upon our liberties, under pretence of law, and the late shipwreck, at once, of all our property, be attributed more than to Noy: and those, and all other mischiefs whereby this monarchy hath been brought almost to the brink of destruction, so much to any as to that grand apostate to the commonwealth, the now lieutenant of Ireland? The first I hope God hath forgiven in the other world; and the latter must not hope to be pardoned in this, till he be dispatched to the other. Let every man but consider those men as once there were; the excellent law for the security of the subject, enacted immediately before their coming to employment, in the contriving whereof themselves were principal actors; the goodness and virtue of the king they served; and yet the high and public oppressions that, in his time, they have wrought; and surely there is no man but will conclude with me, that, as the deficience of parliaments hath been the causa causarum of all the mischiefs and distempers of the present times; so the frequency of them is the sole catholic antidote that can preserve and secure the future from the like.—Mr. Speaker, let me yet draw my discourse a little nearer to his majesty himself, and tell you, that the frequency of parliaments is most essentially necessary to the power, the security, the glory of the king. There are two ways, Mr. Speaker, of powerful rule, either by fear, or love; but only one of happy and safe rule, that is, by love; that 'Firmissimum imperium quo obedientes gaudent:' to this Camillus advised the Romans. Let a prince consider what it is that moves a people, principally, to affection and dearness towards their sovereign, he shall see that there needs no other artifice in it than to let them enjoy, unmolestedly, what belongs unto them of right: if that hath been invaded and violated in any kind, whereby affections are alienated, the next consideration for a wise prince, that would be happy, is how to regain them; to which 3 things are equally necessary. 1. Reinstating them in their former liberty. 2, Revenging them of the authors of those violations; and, 3. Securing them from apprehensions of the like again. The first, God be thanked, we are in a good way of. The second in warm pursuit of. But the third, as essential as all the rest, till we be certain of Triennial Parliaments, at the least, I profess I can have but cold hopes of.—I beseech you then, since that security for the future is so necessary to that blessed union of affections, and this bill so necessary to that security; let us not be so wanting to ourselves, let us not be so wanting to our sovereign, as to forbear to offer unto him this powerful, this everlasting philter, to charm unto him the hearts of his people, whose virtue can never evaporate. There is no man, Mr. Speaker, so secure of another's friendship, but will think frequent intercourse and access very requisite to the support, to the confirmation of it: especially if ill offices have been done between them; if the raising of jealousies hath been attempted. There is no friend but would be impatient to be debarred from giving his friend succour and relief in his necessities.—Mr. Speaker, permit me the comparison of great things with little. What friendship, what union can there be so comfortable, so happy, as between a gracious sovereign and his people? And what greater misfortune can there be to both, than to be kept from intercourse, from the means of clearing misunderstandings, from interchange of mutual benefits? The people of England, sir, cannot open their ears, their hearts, their mouths, or their purses, to his majesty, but in parliament. We can neither hear him, nor complain, nor acknowledge, nor give, but there. This bill, sir, is the sole key that can open the way to a frequency of those reciprocal endearments, which must make and perpetuate the happiness of the king and kingdom. Let no man object any derogation from the king's prerogative by it. We do but present the bill, it is to be made a law by him. His honour, his power, will be as conspicious in commanding at once that parliaments shall assemble every third year, as in commanding a parliament to be called this or that year. There is more of majesty in ordaining primary and universal causes, than in the actuating particularly of subordinate effects. I doubt not but that glorious king Edw. 3. when he made those laws for the yearly calling of parliaments, did it with a right sense of his dignity and honour. The truth is, sir, the king's of England are never in their glory, in their splendor, in their majestic sovereignty, but in parliament. Where is the power of imposing taxes? Where is the power of restoring from incapacities? Where is the legislative authority? Marry, in

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the king, Mr. Speaker. But how? In the king circled in, fortified and evirtuated by, his parliament. The king, out of parliament, hath a limited, a circumscribed jurisdiction: but, waited on by his parliament, no monarch of the East is so absolute in dispelling grievances. Mr. Speaker, in chasing ill ministers, we do but dissipate clouds that may gather again; but, in voting this bill, we shall contribute, as much as in us lies, to the perpetuating our sun, our sovereign, in his vertical, in his noon-day, lustre.'

Jan. 20. The votes of the commons, concerning Ship-Money, were sent up to the lords, by Mr. St. John, who made a learned speech on that occasion. Afterwards the lords proceeded to vote the illegality of it; which they did in the same manner as the commons, Dec. 7, nem. con.

Four Members expelled for being Monopolists.] Jan. 21. The commons expelled 4 of their members, Mr. Wm. Sandys, sir John Jacob, Mr. Tho. Webb, and Mr. Edm. Windham, for being Monopolists, according to a former order of this house. See p. 651.

A Sum voted for the Relief of the Scots.] Jan. 22. In a grand committee of the whole house, after long and serious debate, they came to this Resolution, 'That this house thinks fit that a friendly Assistance and Relief shall be given towards the Supply of the Losses and Necessities of the Scots; and that, in due time, this house will take notice of the measure and manner of it.' Upon this occasion,

Sir *John Wray** delivered himself to this purport:—'Mr. Speaker; There is no malady more destructive to the natural or politic body, than the Morbus caducus, or falling-sickness; nor is there any physick or compound more to be esteemed than that which can cure it in either. Mr. Speaker, this unknown remedy, if we be wise to apply it, and take the receipt with all the ingredients, without any scruple of distaste, I am confident the recovery will be perfect, and the whole body of Great Britain safe and sound. Mr. Speaker, the happy Union of Scotland and England hath thus long, ever since, flourished in interchangeable blessings of plenty, and mutual love and friendship: but of late, by what fatal disasters and dark underminings we are divided, and severed into Scots and English armies, let their well-composed preambles speak for me; which I wish were printed as an excellent emblem of brotherly love, that discovers who hath wounded us both, and how each should strive to help the other in distress; seeing their and our religion and laws lye both at stake together. Think of it what you will, noble senate, their subsistance is ours; we live or die, rise or fall together. Let us then find out the Boutefeu of this prelatical war, and make them to pay the shot for their labour; who, no doubt, long for nothing more than that we should break with them, who worship but one God, and serve but one master with us: nor need we fear that they intend to dispossess the English of their inheritance or freehold, being ready to withdraw their forces upon reasonable terms, referring their demands of reparation for losses, to the justice and courtesy of this house; which I assure myself will give both a bountiful, chearful, and speedy supply in this case of necessity; for, 'bis dat, qui cito dat,' is the best motto, or motion at this time.'

Sir *Benj. Rudyard* made the following speech upon the same occasion:—'Mr. Speaker; It will become us thankfully to acknowledge the prudent and painful endeavours of my lords, the peers commissioners, in treating with the Scots, and in mediating with the king; whereby, God assisting, we are now probably drawing near to a blessed peace. His majesty, in his wisdom and goodness, is graciously pleased to give his royal assent to their acts of parliament, wherein the Articles of their assembly are likewise included; insomuch as their religion, their laws, their liberties, are ratified and established, besides their Grievances relieved and redressed, for which we use to give the king money, and are still ready to do it. This, although it be a large, yet it is not received as a full satisfaction. Besides, when they came into England, they published in a Remonstrance, 'That they would take nothing of the English, but what they would pay for, or give security:' we have defrayed them hitherto, and have provided to do it longer. They may well remember, that we assisted them in the time of their reformation; and it is not to be forgotten, that we did bear our own charges. Concerning mutual restitution of ships and goods, my lords the commissioners have very fairly and discreetly accommodated that particular already. As for inferential and consequential damages, such a representation would but administer unacceptable matter of difference and contestation; which, amongst friends, ought to be warily and wisely avoided. We could alledge, and truly too, that Northumberland, Newcastle, and the Bishoprick, will not recover their former state these 20 years. We have heard it spoken here in this house, by an understanding knowing member in this particular, That the coal mines of Newcastle will not be set right again for 100,000*l.* besides the over price of coals, which all the while it hath and will cost this city, and other parts of the kingdom. A great deal more of this nature might be rehearsed; but I delight not to press such tenter-stretched arguments: let us, on both sides, rather thank God, by proceeding in the way he hath laid before us, and wry not his way to ours: time and his blessing will repair all our implicit damages, with many prosperous explicit advantages. They say, that they do not make any formal demand, but they do make a sum to appear, 514,000*l.* which is more than ever we gave the king at once. A portentous apparition, which shews itself in a very dry time: when the king's revenue is

* From the original edition, printed by Francis Constable, 1641.

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totally exhausted, his debts excessively multiplied, the kingdom generally impoverished by grievous burthens and disordered courses! All this supply is to be drawn out of us only, without the least help from any of his majesty's other dominions; which to my seeming, will be an utter draining of the people, unless England be puteus inexhaustus, as the Popes were wont to call it.—Notwithstanding, sir, now that I have in part opened the state we are in, though nothing so exactly as they have done theirs, I shall most willingly and heartily afford the Scots whatsoever is just, equitable, and honourable, even to a convenient, considerable, round sum of money, towards their losses and expences, that we may go off with a friendly and handsome loss: if they reject it, we shall improve our cause. It was never yet thought, Mr. Speaker, any great wisdom, over much to trust a successful sword. A man that walks upon a rising ground, the further he goes, the larger is his prospect; success enlarges men's desires, extends their ambition, it breeds thoughts in them they never thought before; this is natural and usual. But the Scots being truly touched with religion, according to their profession, that only is able to make them keep their word; for religion is stronger and wiser than reason, or even reasons of state.—Beyond all this, Mr. Speaker, the remarkable traces of God's wonderful Providence in this strange work, are so many, so apparent, as I cannot but hope, almost to belief, that the same all-governing merciful hand, will conduct and lead us to a happy conclusion; will contract a closer, firmer union between the two nations, than any meer human policy could ever have effected, with inestimable benefits to both; in advancing the truth of religion; in exalting the greatness of the king; in securing the peace of his kingdoms, against all malicious, envious, ambitious opposites to religion, to the king, to his kingdoms; wherein I presume, all our desires and prayers do meet.'

On the 3rd of Feb. the Affair of the Scots was again taken into consideration, by a committee of the whole house; and it was resolved, on the question, "That this house doth conceive that the sum of 300,000*l.* is a fit proportion for the friendly Assistance and Relief formerly thought proper to be given towards the supply of the Losses and Necessities of our brethren of Scotland; and that this house will, in due time, take into consideration the manner how, and the time when, the same shall be raised."

The Scots Commissioners return Thanks.] The next day this Resolution of the commons was made known to the lords, at a conference, and 3 days after, we find an Answer of the Scots Commissioners entered in the Lords' Journals, by way of returning their thanks for this extraordinary bounty; which we give in its own words:—"We intreat your lordships, whose endeavours God hath blessed in this great work, to make known to the parliament, that we do no less desire to shew our thankfulness for their friendly assistance and relief, than we have been earnest in demanding the same. But the thankfulness which we conceive to be due, does not consist in our affections or words at this time, but in the mutual kindness and real declarations to be expected from the whole kingdom of Scotland, in all times to come: and that, not only for the measure and proportion which the parliament hath conceived to be fit, and which, to begin our thankfulness now, we do, in the name of the whole kingdom, chearfully accept of; but also for the kind and Christian manner of granting it unto us, as to their Brethren; which addeth a weight above many thousands, and cannot be compensated, but by paying the reciprocal love and duty of Brethren; and for the Resolution, To consider, in due time, for the raising the same for our relief, which also maketh the benefit to be double. This makes us confident that God, whose working at this time hath been wonderful, hath decreed the peace and amity of the kingdoms, and will remove all rubs out of the way, that our enemies at last will despair to divide us, when they see that God hath joined us in such a fraternity; and that Divine Providence will plentifully recompence unto the kingdom of England their justice and kindness, and unto Scotland all their losses; which shall, by these and other means amongst ourselves, be repaired by the rich and sweet blessing of the purity and power of the gospel, attended with the benefit of a happy and durable peace, under his majesty's long and prosperous reign, and of his royal posterity to all generations." Dated Feb. 5, 1640.

A Conference concerning the King's reprieving Goodman, a condemned Seminary Priest.] Jan. 23. The commons sent up to desire a conference with the lords, which being agreed to, a report of it was made in the upper house, by the lord privy seal, to this effect:—"That Mr. Glynn had acquainted them with the commons sending to the city of London, to advance money for his majesty's service, and that of the commonwealth; answer was returned, That there was a general discontent amongst the citizens, for the reprieval of one Goodman, a seminary priest, lately condemned for high treason, who had been formerly so for the same offence, and banished this kingdom. By which they found that there was a great connivance at Jesuits and Priests through the kingdom, to the great disheartening of the people in this time of parliament, when they expect a thorough reformation. The commons, therefore, desired their lordships assistance to discover such instruments as have dared to intercede for the interruption of public justice against such offenders, &c." The lords thought proper to acquaint the king with this message from the commons, and appointed the lord privy seal and the earl marshal to deliver it.

The King's Speech relating to the Distractions in the Government.] This day, the king having commanded both houses to come be-

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fore him at Whitehall, his majesty spoke to them as follows:

"My lords and gentlemen; A principal cause of my speaking to you now, is, that I foresee the great inconveniences that may daily arise, by the slow pace of this parliament, in those businesses that most import the welfare of this kingdom: therefore I hold it necessary, at this time, to lay, shortly, before you, the State of Affairs as they now stand, thereby to quicken, but not to interrupt, your proceedings.—And first, I must remember you, that there are two armies in the very bosom of this kingdom; and, in effect, as it cannot be otherwise, maintained by you. The very naming of which doth more lively represent the mischievous inconveniences thereof, than a better tongue than mine, in particular, can declare. Therefore I must, in the first place, recommend to your care the quick dispatch of this business; assuring you the delay thereof shall no ways be occasioned by me. In the next place, I must recommend to your care my Navy and Forts; the condition of both are so well known, as to need no mention in particulars: only thus much, when the walls and defences of this kingdom are weak and out of order, I leave all men to judge what disheartening it will give to our friends, and what encouragement to our enemies. Last of all, though not least of all to be considered, I must lay before you the present Distractions of Government, occasioned, partly, because of the parliament, though not by it. For some men taking occasion, by the sitting thereof, more maliciously than ignorantly, will put no difference between reformation and alteration of government. Hence it comes that divine service is irreverently interrupted, petitions tumultuously given, and much of my revenue detained or disputed.—More particulars I will not mention, because I will hasten to put you in a way of remedy; which I will do, first, by shewing you my clear intentions, then by warning you to eschew those rocks that may hinder this good work. First then, know that I shall readily concur with you to find out and reform all innovations in church and commonwealth; and, consequently, that all courts of justice shall be regulated according to law; my intention being to reduce all matters of Religion and Government, to what they were in the purest times of queen Elizabeth. Moreover, what parts of my Revenue that shall be found illegal, or grievous to the public, I shall willingly lay down, relying entirely on the affections of my people.—Having thus clearly shewn you mine intentions, I will now tell you what you are to eschew; to which purpose I cannot but take notice of those Petitions (I can't tell how to call them) given in the name of several counties, against the present established government of the church, and of the great threats that are given, That bishops shall be no better than cyphers, if not clear done away.—Now I must tell you, that I make a great difference betwixt reformation and alteration of government; though I am for the first, I cannot give way to the latter. I will not say that bishops may not have over-stretched their power, or incroached upon the temporal; which, if you find, correct and reform the abuse, according to the wisdom of former times; and so far I am with you. Nay farther; if, upon serious debate, you shall shew me that bishops have some temporal authority, inconvenient to the state, and not so necessary to the church, for the support of episcopacy, I shall not be unwilling to persuade them to lay it down. Yet, by this, you must understand, that I cannot consent for the taking off their voice in parliament, which they have antiently enjoyed under so many of my predecessors, even before the Conquest, and ever since; and which, I conceive, I am bound to maintain, as one of the fundamental institutions of this kingdom.—There is but one other rock, and that not in substance, but in form; yet that form is so essential, that, except it be reformed, it will mar the substance: there is a Bill given in for frequent Parliaments; the things I like, that is to say, to have often parliaments; but to give power to sheriffs and constables, and I know not whom, to do my office, that I cannot yield unto. But to shew you that I am desirous to please you in forms, which destroy not the substance, I am content you shall have an act for this purpose; but so reformed, that it neither intrench upon my honour, nor that inseparable right of the crown concerning parliaments: to which purpose I have commanded my learned counsel to wait on you, my lords, with such propositions as I hope will give contentment; for I ingenuously confess, that frequent parliaments are the best means to preserve that right understanding between me and my subjects, which I so earnestly desire.—To conclude all; I have now shewed you the State of Affairs, my own clear Intentions, and the Rocks I wish you to eschew. In all which you may perceive the desire I have to give you contentment; as you shall likewise find by these ministers I have, and intend to employ in my affairs, for the pursuance of my good intentions; which, I doubt not, will bring peace and happiness to my subjects, to the contentment of us all. I have no more to say at present."

A Remonstrance from both Houses concerning Seminary Priests, &c.] The commons being withdrawn, the king spoke a few words to the lords, to tell them, "That he heard of a conference to be that afternoon, about the business of Goodman the priest; and that, in a day or two, he would send them the reasons for what he had done in that matter, which he hoped would satisfy them."

But this not contenting the commons, they agreed to address the lords to join with them in a Petition to the king; and, on the 29th of this month, a Remonstrance of both houses was presented to the king by the lord keeper, to the following effect: "They recite the laws relating to Jesuits and Seminary Priests, and

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insist upon the necessity of their being put in execution at this time; and particularly, because it appears to the commons, by proof, that of late years, about the city of London, 80 Priests and Jesuits have been discharged out of prison, many of them having been condemned of high treason: that they are credibly informed that, at this present, the Pope hath a Nuncio, or agent, resident in London; and they have just cause to believe the same to be true: that the Papists as publickly, and with as much confidence and importunity, resort to mass at Denmark-house, St. James's, and the ambassadors chapels, as others do to their parish churches: that they conceive the not putting of these statutes in execution against Priests and Jesuits, is a principal cause of the increase of Popery. Therefore they humbly desire, that a speedy course may be taken for the due execution of the laws against Priests and Jesuits, that all mischiefs, before mentioned, may be timely remedied by his majesty's great wisdom: and, lastly, that Goodman, the priest, be left to the justice of the law."

The King's Answer.] Feb. 3. The king sent the following answer: "My lords and gentlemen; Having taken into my serious consideration the late Remonstrance, made unto me by the houses of parliament, I give you this Answer, That I take in good part your care of the true religion established in this kingdom, from which I will never depart; as also for your tenderness of my safety, and security of this state and government. It is against my mind that Popery or Superstition should any way increase within this kingdom; and I will restrain the same, by causing the laws to be put in execution.—I am resolved to provide against Jesuits and Priests, by setting forth a Proclamation with all speed, commanding them to depart the kingdom within one month; which if they fail, or shall return, then they shall be proceeded against according to the laws. Concerning Rosetti, I give you to understand, that the queen hath always assured me, that, to her knowledge, he hath no commission, but only to entertain a personal correspondence between her and the Pope, in things requisite for the exercise of her religion; which is warranted to her by the articles of the marriage, which gave her a full liberty of conscience; yet I have persuaded her, that since the misunderstanding of this person's condition gives offence, she will, within a convenient time remove him. Moreover, I will take a special care to restrain my subjects from resorting to mass at Denmark-House, St. James's, and the chapels of ambassadors. Lastly, concerning John Goodman, the priest, I will let you know the reason why I reprieved him. I am informed, neither queen Elizabeth, nor my father, did ever avow, that any priest in their times was executed merely for religion; which seems to me to be his particular case; yet, seeing I am pressed by both houses, to give way to his, and because I will avoid the inconvenience of giving so great discontent to my people, as I conceive this mercy may produce, therefore I do remit this particular case to both the houses; but I desire them to take into their consideration the inconveniences, as I conceive may, upon this occasion, fall upon my subjects and other protestants abroad; especially since it may seem to other states to be a severity: which suspicion having thus represented to you, I think myself discharged from all the ill consequence that may ensue upon the execution of this person."

A Letter from the Queen to the Commons on the same Occasion.] As the foregoing Remonstrance seemed principally levelled at the Queen's conduct at this time, she thought proper, the next day, to send the following Letter to the house of commons, by Mr. Comptroller:

"That her majesty hath been ready to use her best endeavours for the removing of all misunderstanding between the king and people: that, at the request of the lords who petitioned the king for a parliament, her majesty, at that time, writ effectually to the king, and sent a gentleman, expressly, to persuade the king to the holding of a parliament: That she hath, since, been most willing to do all good offices between the king and his people, which is not unknown to divers of the lords; and so shall ever continue to do, as judging it the only way of happiness to the king, herself, and kingdom, that all things be justly settled between the king and his people, and all cause of misunderstanding taken away and removed: that her maj. having taken knowledge, that having one sent to her from the pope, is distasteful to this kingdom, she is desirous to give satisfaction to the parliament; which, in convenient time, she will do, and remove him out of the kingdom: that understanding, likewise, that exception had been taken to the great resort to the chapel of Denmark-House, she will be careful not to exceed that which is convenient and necessary for the exercise of her religion. She further taketh notice, that the parliament is not satisfied with the manner of raising money, for the assistance of the king in his journey to the North, in the year 1639, at her entreaty from the catholics:* but she was moved thereunto, merely out of her dear and tender affection to the king, and of the example of other his majesty's subjects; she seeing the like forwardness, could not but express her own forwardness to the assistance of the king: that if any thing be illegal, she was ignorant of the law, and was carried therein only out of a great desire to be assisting to the king in so pressing an occasion; but promiseth to be more cautious hereafter, not to do any thing but what may stand with the established laws of the kingdom: that her maj. being desirous to em-

* The Queen had caused collections to be made from the Catholics in every county for this purpose. Her majesty's letters and the names of the several collectors are at large in Rushworth, Vol. IV. p. 160.

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ploy her whole power to unite the king and people, desireth the parliament to look forwards, and pass by such mistakes and errors of her servants, as may be formerly committed; and this their respect, she promiseth, shall be repaid with all the good offices she can do to the house, which they shall find with real effects, as often as there shall be occasion."

The Journals inform us, That this message being read in the house, Mr. Comptroller was desired to return their humble thanks to her majesty, for her gracious expressions therein.

Goodman, the Priest's Petition to be executed, for Peace-Sake.] Before we dismiss the affair of John Goodman the priest, we shall here insert a remarkable letter of this man's to the king, as it is entered in the Lords Journals, when the king's Answer to the Remonstrance was reported to that house, and which, we suppose, occasioned his maj. to refer his punishment to the will of both houses, rather than have any hand in it himself: but we cannot learn whether this priest was executed or not.

"To the King's most excellent majesty: The PETITION of JOHN GOODMAN, condemned,

"Humbly sheweth, That whereas your majesty's petitioner hath understood of a great discontent, in many of your majesty's subjects, at the gracious mercy your maj. was freely pleased to shew unto your petitioner, by suspending the execution of the sentence of death, pronounced against your petitioner, for being a Roman priest: these are humbly to beseech your maj: rather to remit your petitioner to their mercies that are discontented, then to let him live the subject of so great a discontent in your people against your maj. For it hath pleased God to give me grace to desire with the prophet, 'That if this storm be raised for me, I may be cast into the sea, that others may avoid the tempest.' This is, most sacred sovereign, the Petition of him, that should esteem his blood well shed, to cement the breach between your maj. and your subjects, on this occasion. Ita testor, "JOHN GOODMAN."

The King's Speech to the Lords about the Marriage of the Lady Mary with the Prince of Orange.] Feb. 10. This day the king came to the house of lords; the business he came upon was expressed in a short speech, as follows:

"My lords; That freedom and confidence which I expressed, at the beginning of this parliament, to have of your love and fidelity towards my person and estate, hath made me at this time come hither to acquaint you with that alliance and confederacy which I intend to make with the prince of Orange and the United Provinces; which, before this time, I did not think expedient to do, because that part, which I do desire your advice and assistance upon, was not ready to be treated on. I will not trouble you with a long digression, by shewing you the steps of this Treaty; but leave you to be satisfied in that by those who, under me, do manage that affair: only I shall shew you the reasons which have induced me to it, and in which I expect your assistance and counsel. The considerations that have induced me to it are these: 1st. The matter of Religion: here needs no dispensation; no fear that my daughter's conscience may be any way perverted. 2ndly. I do esteem that a strict alliance and confederacy with the States will be as useful to this kingdom, as that with any of my neighbours; especially considering their affinity, neighbourhood, and way of strength. And, lastly, which I must never forget on these occasions, the use I may make of this Alliance towards the re-establishing of my sister and my nephews. Now, to shew in what I desire your assistance; you must know that the Articles of Marriage are in a manner concluded, but not to be totally ratified until that of Alliance be ended and agreed; which, before I demanded your assistance, I did not think fit to enter upon. And that I may not leave you too much at large how to begin that council, I present you here the Propositions which are offered by me to the States's ambassadors for that intent. And so, my lords, I shall only desire you to make as much expedition in your counsels, as so great a business shall require, and shall leave your lordships to your own free debate."

This proposition was well approved of by the whole nation; and, soon after, the Marriage was concluded with great solemnity.

The King's Speech on giving the royal Assent to the Bill for Triennial Parliaments.] Many conferences were held this month, between the lords and commons, about settling the bill 'For preventing Inconveniences, which happen by the long Intermission of Parliaments;' on the 15th it was finally concluded, and ready for the royal assent. The commons, however, seemed to be jealous that the king would not pass it; for, that same day, they sent a message to the lords, by sir Francis Seymour, to acquaint their lordships, That they had deputed some of their members to attend his majesty, and desire that the royal assent may be given to the bill of Subsidies that afternoon: and that their lordships may be pleased to depute some lords to move his majesty, that the bill for Triennial Parliaments may pass at the same time; which the lords agreed to, and received for Answer, 'That his maj. would take that afternoon to consider of this request, in regard of the late warning of it at this time, and will return an Answer in the morning.' Accordingly,

Feb. 16. The king came to the house of lords, and being seated on his throne, the lords in their robes, and the commons, with their Speaker, attending, the title of the bill for Triennial Parliaments was read; on which his majesty made the following speech to both houses:

"My lords, and you the knights, citizens, and burgesses of the house of commons, You may remember, when both houses were with

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me at the Banquetting-House at Whitehall, I did declare unto you two rocks I wished you to shun. This is one of them, and of that consequence, that I think never bill passed here, in this house, of more favour to the subjects than this is, and if the other rock be as happily passed over as this shall be at this time, I do not know for what you can ask, for ought I can see, at this time, that I can make any question to yield unto: therefore I mention this, to shew unto you the sense that I have of this bill; and the obligation, as I may say, that you have to me for it; hitherto, to speak freely, I have had no great encouragement to do it: and if I should look to the outward pace of your actions and proceedings, and not look to the inward intentions of your hearts, I might make a question of it. Hitherto, you have gone on in that which concerns yourselves to amend; and not those things that meerly concern the strength of this kingdom, neither for the state, nor for my own particular. This I mention, not to reproach you, but to shew you the state of things as they are. You have taken the government almost in pieces, and, I may say, it is almost off the hinges. A skilful watchmaker, to make clean his watch, will take it asunder; and, when it is put together, it will go the better, so that he leave not out one pin of it. Now, as I have done all this on my part, you know what to do on yours: and, I hope, you shall see clearly, that I have performed really what I expressed to you, at the beginning of this parliament, of the great trust I have of your affections to me: and this is the greatest expression of trust, that, before you do any thing for me, I do put such a confidence in you."

After this speech was ended, the clerk of the parliament read the king's royal assent to the aforesaid bill, in these words: 'Le Roy le veut.' Next, the Speaker of the house of commons, in a short speech, presented a bill, intitled, 'An Act for Relief of his Majesty's Army, and the Northern Parts of this Kingdom,' containing a grant of 4 entire Subsidies, humbly beseeching his majesty to accept thereof. The clerk then read the royal assent to the said bill, in these words: 'Le Roy remerciant ses bons subjets, accepte leur Benevolence, et ainsi le veut.'

Both Houses return Thanks to the King for passing the Triennial Bill.] The commons being returned to their house, a message was brought from the lords by the lord chief justice of the Common Pleas, (sir John Banks,) and Mr. justice Heath, 'That their lordships are so full of joy, for his majesty's gracious Answer to the bill of the Triennial Parliaments, that they do intend to wait upon his maj. to know when he will please to give them leave to express their most humble thanks: and they desire that this house would join with them in it: and that their lordships will likewise intimate unto his maj. that there may be ringing of bells, and bonfires throughout the whole city.' Answer was returned by the same messengers, 'That this house hath taken into consideration their lordships message, and do receive it with much joy; and were in agitation of the same business, just as the message was sent, and will be ready to join with their lordships, as is desired, at such time and place as shall be appointed.' Soon after another message was brought by the same Judges, 'That the lords, that attended his majesty, are returned with this answer to the lords house: 'That his maj. is pleased that both houses shall attend him this afternoon, between 2 and 3 o'clock, at the Banquetting-House at Whitehall:' They conceive that which is to be spoken is to be said by the lord keeper, in the name of both houses; and, for that purpose, have conceived a form, but leave it to this house to make such alteration as they shall think fit.'

The lord chief justice having read the same, the commons agreed to the form proposed. And, accordingly both houses attended the king in the Banquetting-house; when the lord keeper, Littleton, in their names, returned thanks to his majesty in hæc verba:

"May it please your majesty; I am to give your maj. most humble and hearty thanks, in the name of both houses of parliament and this whole kingdom, for the speedy and gracious royal assent unto the bill entitled, 'An Act for preventing of Inconveniences happening by the long Intermission of Parliaments;' which, as it is of a singular comfort and security for all your subjects for the present, so they are confident, it will be of infinite honour and settlement for your majesty's royal crown and dignity, as well as comfort to their posterity."

Abstract of the Triennial Bill.] As we have made it a rule, in the course of this work, to take notice of the most remarkable laws passed in every parliament, we shall give a view of this most extraordinary act; especially as it was repealed in the 16th year of this king's eldest son and successor; and is therefore not to be found in the Statutes at Large.* The preamble runs thus: "Whereas, by the laws and statutes of this realm, a parliament ought to be holden at least once every year, for the redress of grievances; but the appointment of the time and place for the holding thereof hath always belonged, as it ought, to his majesty and his royal progenitors: and whereas it is, by experience, found, that the not holding of parliaments accordingly, hath produced sundry and great mischiefs and inconveniences to the king's majesty, the church and commonwealth; for the prevention of like mischiefs and inconveniencies in time to come, be it enacted, That the said laws and statutes shall be henceforth duly observed: that if a Parliament be not summoned and assembled before the 3rd

* It is printed at large in Rushworth's Collections, Vol. IV. p. 189; and in Scobell's Collection of Acts and Ordinances, an. 16. Car. I. cap. 1.

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of Sept. in every third year, then a parliament shall assemble and be held on the 2nd Monday in Nov. ensuing: that if the lord chancellor shall fail to issue out writs, pursuant to the directions of this act, then the peers of the realm shall meet at the usual place, at the old palace of Westminster, and they, or any 12, or more, shall issue out writs in the king's name: that in case of default by the peers, the sheriffs, mayors, bailiffs, &c. shall cause elections to be made: and, in their default, the freeholders, citizens, and burgesses shall proceed to the election of knights, citizens and burgesses, in such manner as if writs of summons had been duly issued. That no Parliament, henceforth to be assembled, shall be dissolved or prorogued within 50 days after the time appointed for their meeting, nor adjourned within fifty days after their meeting, but by consent of either house respectively, who may appoint each their own Speaker." Besides the above clauses, there were many provisoes for the effectual putting this act in execution, and penalties on the respective offenders: and that none might plead ignorance, it was ordered to be read, yearly, at the sessions and assizes.*

Sir Simonds D'Ewes's Speech concerning the Precedency of the two Universities.] We meet with a speech of sir Simonds D'Ewes, occasioned by the afore-mentioned Bill for 4 Subsidies; but the day is not mentioned. The Editor thereof gives us the following account of it:† "This bill, for relief of the king's army, having been drawn by a committee, Cambridge was placed before Oxford; whereupon it was ordered to be disputed and debated in a grand committee; and when it came to that clause, where Cambridge was placed before Oxford, many of the house that had been Oxford men, cried to have Oxford placed first; but the Cambridge men cried, that the bill should stand as it was; and thereupon the Oxford men called to have it put to the question; and divers Cambridge men called upon sir Simonds D'Ewes, being then present at the committee, which drew him to speak as followeth:"

Sir *Simonds D'Ewes.* 'I stand up to persuade, if it may be, the declining of the present question, and the further dispute of this business. We had a long debate, lately, about the placing Cambridge before Oxford, in the said bill. I account it no honour to Cambridge, that it got the precedence by voices at the former committee; nor will it be any glory to Oxford to gain it by voices here, where we all know the multitude of borough towns of the western parts of England, which do send so many worthy members hither, as (if we measured things by number, and not by weight) Cambridge is sure to lose it. I would propound a more noble way for deciding the present controversy than by question; in which, if the university of Oxford, which I do highly respect and honour, shall obtain the prize, it will be far more glory to it, than to carry it by multitude of voices: let us therefore dispute it by reason, and not make an idol of either place; and if I shall be so convinced, I shall readily change my voice, wishing we may find the same ingenuity in the Oxford-men. There are two principal respects, in which these famous universities may claim precedence of each other. 1. In respect of their being; as they were places of note in the elder ages. 2. As they were antient nurseries, and seed-plots of learning.—If I do not therefore prove that Cambridge was a renowned city, at least 500 years before there was a house in Oxford standing, and whilst brute beasts fed, and corn was sown on that place where that city is now seated; and that Cambridge was a nursery of learning before Oxford was known to have a grammar-school in it, I will yield up the bucklers. If I should spend time to reckon up the vain allegations produced for the antiquity of Oxford, by Twyne; and of Cambridge, by Cains, I should but repeat the dreams of the antients; for I account the most they have published in print to be no better. But I find, by authority without exception, that in the antient Catalogue of the British Cities, Cambridge is the ninth in number, where London itself is but the eleventh: and who would have thought that Oxford would have contended for precedency with Cambridge, which London gave it 1200 years since? This I find in Gildas Albanius's British Story, who died about the year 520, being the antientest domestic monument we have, p. 60. And a Saxon anonymous story, written in Latin, touching the Britons and Saxons, p. 39. who saith of himself, That he lived in the day days of Penda, king of the Mercians, in the 10th year of his reign, and that he knew him well; which falls out to be near upon the year 620. And, lastly, I find the same Catalogue of the said British Cities, with some little variation, to be set down in Nennius's Latin story of Britain, p. 38: and he wrote the same, as he says himself, in 883. They all call it Cair-grant: the word Cair, in the old Celtique tongue, signifying City.—These three stories are exotic and rare monuments, remaining yet only in antient manuscripts amongst us, not known to many; but the authority of them is irrefragable, and without exception. The best and most antient copies, that I have seen, of Gildas Albanius

* The preamble for repealing this act runs thus: "Whereas an Act made in the parliament begun at Westminster the 3rd day of Nov. in the 13th year of the reign of our late soveseign lord king Charles of blessed memory, entitled, 'An Act for preventing of Inconveniences happening by the long Intermission of Parliaments,' is in derogation of his majesty's just rights and prerogative inherent to the imperial crown of this realm, for the calling and assembling of parliaments; and may be an occasion of manifold mischiefs and inconveniences, and much endanger the peace and safety of his majesty, and all his liege people of this realm: be it therefore enacted," &c.

† Printed for John Thomas, London, 1641.

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and Nennius remain in the university library of Cambridge, being those I have vouched, and the Saxon Anonymous in a library we have near us. This Cair-grant is not only expounded by Alfred of Beverly, to signify Cambridge, but also by William de Ramsay, abbot of Croyland; who, in his manuscript story of the Life of Guthlacus, (ignorantly, in those elder days, reputed a saint) goes yet further, and says it was so called à granta flumine. This place still remained a city of fame and repute, a long time, under the reign of the English Saxons, and is called, in many of the old Saxon manuscript annals, Granteceaster; and, notwithstanding the great devastations it suffered with other places, by the Danish incursions, yet, in the first volume of the book of Doomesday, (for now I come to cite the records) it appears to have been a place of considerable moment, having in it decem custodias, and a castle of great strength and extent. And so I have done with Cambridge as a renowned place.—And now I come to speak of it as it hath been a nursery of learning: but I will not begin higher with it than the time of the learned Saxon monarch, king Alfred; because, I suppose, no man will question or gainsay but that there are sufficient testimonies of certain persons that did, together, in Cambridge, study the arts and sciences much about that time: and it grew so famous for learning about the time of Wm. I. the Norman, that he sent his youngest son Henry thither, to be there instructed; who was afterwards king of England, by the name of Hen. I. and was surnamed Beauclerke, in respect of his great and uncommon knowledge. If I should undertake to alledge and vouch the records, and other monuments of good authority, which assert and prove its increase and flourishing estate in the succeeding ages, I should spend more time than our weighty occasions at this time will permit. It shall therefore suffice to add, that the most antient and first endowed college of England, was that called Valence in Cambridge; which, long after the foundation thereof, as appears by one of our Parliament-Rolls, (Rot. Parl. anno 38 Hen. 6. num. 31.) remaining upon record in the Tower of London, received the name of Pembroke-Hall.—It appearing therefore so evidently, by all that I have said, that Cambridge is, in all respects, the elder sister, which I speak not to derogate from Oxford; my humble advice therefore is, That we lay aside the present question, as well to avoid division amongst ourselves, as to entomb all further emulation between the two sisters, and that we suffer the present bill to pass as it is now penned; and the rather, because Oxford had the precedence in the last bill of this nature that passed this house.'

This debate not being taken notice of in the Journals, and the title only, but not the act itself, being printed in Scobel's Collections and the Statutes at Large, it does not appear which of the Universities had the precedence in this bill.

Judge Berkley accused of High Treason.] Feb. 11. It was resolved, upon the question, 'That sir Robert Berkley, knt. one of the Judges of the King's Bench, shall be accused by this house of High Treason, and other great misdemeanors; and that sir John Colepeper be appointed to go to the lords, and desire that he may be forthwith committed; and that this house will shortly exhibit particular Articles against him.' In consequence of this, judge Berkley was taken off the bench, in Westminster-Hall, by the usher of the black rod, and committed: which struck a great terror in the rest of his brethren, then sitting, and on all of his profession.

Feb. 26. The commons exhibited, at a conference of both houses, their Charge against Dr. Wm. Laud, abp. of Canterbury: but the Articles themselves, and Mr. Pym's speech on the delivery of them, being both printed in the Trial at large, in the single Folio edition, and in the State Trials, are unnecessary here; especially when it is considered that the bulk of it is by far too copious for this design.

March 1. This day is principally taken notice of, on account of an extraordinary division of the house; both from the number of members then attending, and the equality of their voices. One Dr. Chaffin had been sent for as a delinquent, by the serjeant at arms, for speaking of indiscreet words in a Sermon, preached by him in the cathedral church of Salisbury, at a metropolitical visitation held there; which words did admit of such an interpretation as reflects, in an ill and scandalous sense, upon parliaments. The words were these, which he also added to the Litany, 'From all Lay-Puritans, and all Lay-Parliament-men, good Lord deliver me.' The question being put, Whether, for these words, Dr. Chaffin should be committed prisoner to the Tower? The house divided, and it was carried in the negative, 190 against 189, in all 379; a greater division than any we have met with during this parl. It was ordered, however, That the doctor should be called to the bar, and receive a sharp reprehension and admonition, and make a public explanation of his words, in the cathedral of Salisbury, on some Lord's day, within some convenient time afterwards.

March 5. Lord *Andover** made the following speech concerning the Star Chamber, in the house of lords:—'My lords; Since your lordships have already looked so far into the privileges of the peers, as to make a strict inquisition into Foreign Honours:† let us not destroy that among ourselves, which we desire

* Eldest son of the earl of Berkshire. He was chosen for the city of Oxford, in this parliament; but called up to the house of lords, by writ, the 18th of November, 1640. Journ. Proc.

† See the petition against the advancing English Gentlemen to be Peers of Scotland and Ireland, p. 493.

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to preserve from strangers. And if this grievance I shall move against, have slept till now, it is very considerable, lest custom make it every day more apparent than others. Your lordships very well know, there was a statute framed 3 Hen. 7. authorizing the chancellor, treasurer, and privy-seal, and the two chief justices, calling to them one bishop, and a temporal lord of the king's council to receive complaints upon bill or information, and cite such parties to appear as stand accused of any misdemeanor; and this was the infancy of the Star-Chamber: but afterwards the Star-Chamber was, by cardinal Woolsey, in Henry 8th's time, raised to man's estate; from whence, being now altogether unlimited, it is grown a monster; and will hourly produce worse effects, unless it be reduced by that hand which laid the foundation; for the statutes, that are ratified by parliament, admit of no other way of repeal. Therefore I offer humbly unto your lordships these ensuing reasons, why this statute of Henry 7th should be repealed. 1. The very words of the statute clearly shew that it was a needless institution; for it says, They who are to judge, can proceed with no delinquent otherwise than if he were convicted of the same crime by due process of law. And do your lordships hold this a rational court that sends us to the law, and calls us back from it again? 2. Divers judicatories confound one another, 'et in pessima republica plurimæ sunt leges.' And this reason is from circumstance, or rather à consuetudine; of which there are many examples both domestic and foreign; but more particularly the parliaments of France, abbreviated into a standing committee by Philip the Long; and continued, according to his institution, until Lewis 11th came to the crown, who, being a subtil prince, buried the volume in the epitome; for, to this day, whenever the three estates are called, either at the death of the old king, or to crown the new, it is a common proverb, 'Allons voir feu les etats:' My lords, arbitrary judgments destroy the common laws; and, in them, the two great charters of the kingdom; which, being once lost, we have nothing left of liberty but the name. Then the last reason is, though it was the first cause of my standing up, the great eclipse it hath ever been to the whole nobility: for who are so frequently vexed there as peers and noblemen: and notwithstanding their appeal to this assembly is ever good, whilst that famous law of 4 Edw. 3. remains in force, for the holding of a parliament once a year, or more, if occasion require; yet who durst, a year ago, mention such a statute, without the incurring the danger of a prosecution? Therefore I shall humbly move your lordships, That a select committee of a few may be named, to consider of the act of parliament itself; and, if they shall think it of as great prejudice as I do, that then the house of commons, in the most usual manner, may be made acquainted with it either by bill or conference, who also haply think it a burthen to the subject; and so when the whole body of parliament shall join in one supplication, I am confident his maj. will desire that nothing shall remain in force which his people do not willingly obey.'

Lord Andover's Speech concerning the Pacification with the Scots.] March 6. Lord *Andover** made the following speech concerning the Pacification with the Scots:—'My lords; I did lately move your lordships, that the breach of the Pacification might be speedily reviewed, as the unum necessarium; and truly my opinion, at that time, is yet nothing altered; although, upon better thoughts, methinks, it should first be known who did actually engage us in these fruitless dissentions, and so derive the mischief from some original: for, my lords, the kingdom cannot now long stand at gaze, or undergo new burthens. Wherefore what is to be done (if you intend it should prosper) must presently receive life from the whole people, or otherwise we shall expire in a dream; and when the success differs from expectation, it is not enough to cry out, Quod non putabam. My lords, the wise man says, 'There is a proper season for all things under the sun; and we often find the experiment in natural bodies, which are voluntarily weakened, to recover strength, yet with a restriction to such bounds, and limits, as the physician prescribes himself; and truly, I think it is your lordships case at this point, either to consider what should further be done than is already, or else how to get out of those labyrinths we now are in, lest the words of the Psalmist come home to ourselves, 'Vendidisti populum sine pretio.'—My lords, I am confident the house of commons doth thoroughly see both into the prejudice and vast expence, that these two armies lay upon the land; and, undoubtedly, so many gentlemen of worth, as sit there, will have tender eyes upon the commonwealth. It will therefore become your lordships to second them in your way, and whilst they apply to public wounds, the care of this house may search the intestines; for if they be not cleansed, it will be but a superficial cure, and break out again.—My lords, it seems the earl of Strafford and the abp. of Canterbury have gone the high ways of iniquity, and every one knows how to trace them; but mines under ground are most considerable, which, unless they be likewise found out, may at any time spring, and supplant the whole fabrick of all our labours. Let us then examine this fantastic war, ab initio; lest, as the duke of Burgundy made a few sheep skins the cause of his quarrel; so we shall find those sheets of paper, sent under the name of a Liturgy, and book of Canons, were but the Mopsa's of the story, to divert our eyes from the main design.—Therefore my humble motion shall be for a select committee of no great number, who may have power from the house to begin

* From the original edition, printed by G. Mabb, 1641.

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ab origine mali; revise every man's negociations, who was either an actor or counsellor since the first appearance of those troubles in Scotland; and that they may examine the Scots counsel upon such articles, as the heavy pressure of this kingdom shall, upon common fame, administer unto them.'

The King's Offer to reduce the Forest Laws.] This day day, the earl of Holland signified to the lords, "That the king had commanded him to let them know, That his majesty understanding that the Forest Laws are grievous to the subjects of this kingdom, his majesty, out of his grace and goodness to his people, is willing to lay down all the new Bounds of his Forests in this kingdom, and that they shall be reduced to the same condition as they were before the late justice seats were held.

Bill for disabling Bishops, &c. from holding civil Offices.] March 11. This day it was resolved, 'That for Bishops, or any other clergyman whatsoever, to be in the commission of the peace, or to have any judicial power in the Star-Chamber, or in any civil court, is a hindrance to their spiritual function, prejudicial to the commonwealth, and fit to be taken away;' and a bill was ordered for that purpose.

It hath been taken notice of, that few or no reports, from conferences held between the two houses, are entered in the Journals of the commons; a blank being usually left instead of it.

Articles of Impeachment against Dr. Cosins.] March 15. Mr. Rouse carried up, from the house of commons, Articles of Impeachment against Dr. Cosins, prebendary and treasurer of the church of Durham; which he introduced in the following manner:—'My lords; I am commanded by the house of commons, to present to your lordships a Declaration and Impeachment against Dr. Cosins, and others, upon the complaint of Mr. Peter Smart; which Mr. Smart was a proto-martyr, or first confessor of note, in the late days of persecution. The whole matter is a tree, whereof the branches and fruit are manifest in the Articles of this Declaration; which being read, I shall, with your lordships favour, discover and lay open the root.'

The ARTICLES were read thus:

"I. That he was the first man that caused the Communion-Table in the church of Durham to be removed, and set Altar wise; in the erecting and beautifying whereof, he (being then treasurer) expended 200*l.* II. That he used to officiate at the West-Side thereof, turning his back to the people. III. That he used extraordinary Bowings to it. IV. That he compelled others to do it, using violence to the persons of them that refused so to do; for instance, once some omitting it, he comes out of his seat, down to the seat where they sat, being gentlewomen, called them whores and jades, and pagans, and the like unseemly words, and rent some of their cloaths. V. That he converted divers Prayers, in the Book of Common-Prayer, into Hymns, to be sung in the Choir, and played with the organ, contrary to the antient custom of that church. VI. That whereas it had been formerly a custom in that church, at the end of every sermon to sing a psalm, this custom, when Dr. Cosins came thither, was abrogated; and, instead thereof, they sung an anthem in the choir; there being no psalm sung either at the minister's going up into the pulpit, or at his coming down. VII. That the first Candlemas-day, at night, that he had been in that church, he caused 300 wax-candles to be set up and lighted in the church at once, in honour of our lady, and placed threescore of them on and about the Altar. VIII. That, in this church, there were reliques of divers images, above which were remaining the ruins of two seraphims, with the picture of Christ between them, erected in queen Mary's reign, in the time of Popery: all which, when queen Elizabeth came to the crown, were demolished by virtue of a commission by her to that intent granted; which so continued demolished from that time, 'till Dr. Cosins came to that church; who, being treasurer, caused the same to be repaired, and most gloriously painted. IX. That, all the time he was unmarried, he wore a cope of white satin, never officiating in any other, it being reserved solely for him, no man except himself making use thereof; which, after marriage, he cast off, and never after wore. X. That there was a knife belonging to the church, kept altogether in the vestry, being put to none but holy uses, as cutting the bread in the sacrament, and the like; Dr. Cosins refusing to cut the same with any other but that, thinking all others that were unconsecrated, polluted; but that which he put holiness into, ever was termed the consecrated knife. XI. That, in a Sermon preached in that church, he did deliver certain words in disgrace of the reformers of our church: for instance, the words were these: 'The Reformers of the Church, when they abolished the Mass, took away all good order; and, instead of reformation, made it a deformation.' XII. That he seldom or never, in any of his sermons, stiled the Ministers of the Word and Sacraments, by any other name than Priests; nor the Communion-Table by any other name than Altar. XIII. That, by his appointment there was a cope bought, the seller being a convicted Jesuit, and afterwards employed in that church, having upon it the picture of the invisible and incomprehensible Trinity. XIV. That whereas it had been formerly a custom in that church, at 5 of the clock, to have morning-prayers read, winter and summer; this custom, when Dr. Cosins came thither, was abandoned, and, instead thereof was used singing, and playing on the organs, and some few prayers read; and this was called the first Service: which being ended, the people departed out of the church, returning at 9, having then Morning-Prayers read unto them; and this was called the second Service. Which innovation, being misliked and complained of

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by Mr. Justice Hutton, was reformed. XV. That he framed a superstitious ceremony, in lighting the Tapers which were placed on the Altar, which, for instance, was this: a company of boys, that belonged to the church, came in at the choir-door with torches in their hands, lighted, bowing towards the Altar at their first entrance, bowing thrice before they lighted their tapers; having done, they withdrew themselves, bowing so oft as before; not once turning their back-parts towards the altar, the organs all the time going. XVI. That he counselled some young students of the University, to be imitators and practisers of his superstitious ceremonies; who, to ingratiate themselves in his favour, did accordingly; and being afterwards reproved for the same, by some of their friends, confessed that Dr. Cosins first induced them to that practice, and encouraged them therein. XVII. That he used, upon Communion-Days, to make the Sign of the Cross with his finger, both upon the seats whereon they were to sit, and the cushions to kneel upon, using some words when he so did. XVIII. That one Sabbath-Day there was set up an unnecessary company of tapers and lights in the church; which, Dr. Hunt, being then dean, fearing they might give offence, being they were unnecessary, sent his man to pull them down, who did so: but Dr. Cosins, being thereat aggrieved, came to the fellow, and there miscalled him in a most uncivil manner; and began to beat him in the public view of the congregation, to the great disturbance of the same. XIX. That the Dean and Chapter of that Church, where Dr. Cosins was one, with many others, being invited to dinner in the city of Durham, Dr. Cosins, then and there, spake words derogating from the king's prerogative. The words were these, 'The king had no more power over the church, than the boy that rubs my horse's heels.' XX. That there being many Canons of the said church present at that time, amongst the rest there was one took more notice of his words than the rest, and acquainted one of his fellow canons with them when he came home. This canon being a friend to Dr. Cosins, told the doctor that such a man exclaimed against him, and charged him with words which he should speak at such a time. The doctor presently sends for him; and when he came into the house, the doctor desires him to follow him into an inner room, who did so; but, as soon as he came in, the doctor shuts the door, and sets both his hands upon him, calling him rogue and rascal, and many other names; insomuch that the man, fearing he would do him mischief, cried out. Mrs. Cosins coming in, endeavoured to appease her husband, and, holding his hands, the other ran away. XXI. That the doctor did seek many unjust ways to ensnare this man, that so he might take a fit occasion to put him out of his place; but none of them taking effect, he put him out by violence, having no other reason why he did so, but because he had no good voice, when he had served the place two years before Dr. Cosins came thither: for instance of which unjust ways to ensnare this man, Dr. Cosins hired a man and a woman to pretend a desire of matrimony, and to offer a sum of money to this petty canon to contract matrimony between them in a private chamber; so thereupon to take advantage of his revenge upon him."

These Articles being read, Mr. *Rouse* proceeded thus: 'My lords; I am now to discover the root of Mr. Smart's persecution. Your lordships have heard of a great design to bring in Popery: you have heard of armies of soldiers, and particularly of the Popish Irish army; the burthen and complaint of the commons: but there is another army not so much spoken of, and that is, an army of Priests: for since Altars came in, so they delight to be called. It is a saying of Gregory the Great, 'That when antichrist comes, 'Præparatus est exercitus Sacerdotum,' there is an army of Priests to receive him. 'This is fulfilled in our time; for certainly this army of priests doth many ways advance the design and plot of Popery. The first is by the subversion of our laws and government. Our laws and Popery cannot stand together; but either Popery must overthrow our laws, or our laws must overthrow Popery. But to overthrow our laws, they must overthrow parliaments; and to overthrow parliaments, they must overthrow property: they must bring the subject's goods to be arbitrarily disposed, that so there may be no need of parliaments. This hath been done by Dr. Manwaring, (whom we find wanting, yet not in the seats, but at the bar of the lords house) and the like by Dr. Beale: and I think it was the intention of the late canons.—A second way, by which this Army of Priests advanceth the Popish design, is the way of treaty. This hath been acted both by writings and conference. Sancta Clara himself saith, 'Doctissimi eorum quibuscum egi;' so it seems they had conferences together: and Sancta Clara, on his part, labours to bring the Articles of our Church to Popery; and some of our side strive to meet them in that way. We have a testimony, that the great archpriest himself hath said, 'It were no hard matter to make a reconciliation, if a wise man had the handling of it.' But I verily believe that, as the state of papacy stands, a far wiser man than he cannot reconcile us without the loss of our religion: for the Pope being fastened to his errors, even by his chair of inerrability, he sits still unmoved; and so we cannot meet, except we come wholly to him. A man standing in a boat tied to a rock, when he draws the rope, doth not draw the rock to the boat, but the boat to the rock. And Sancta Clara doth (in this somewhat honestly) confess it; for he saith, That he dealt in this way of treaty, not to draw the church to the Protestants, but the Protestants to the church.—A third way is a way of violence: this violence they exercise partly by seculiar arms, and partly by priestly arms, which they call spiri-

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tual. For secular arms we have their own confession, that the late war was Bellum Episcopale; and we have the Papists confession, that it was Bellum Papale; for, in their letters, they say, 'That the war concerns them, not only as subjects, but as Catholics; for so they falsly call themselves; and if it be so, then Bellum Episcopale is also Bellum Papale: in the Episcopal war, the Papal cause is advanced by the spiritual arms. Thus they come to execution.—When a great man is coming, his sumpters, his furniture, his provisions, go before: the Pope's furniture, altars and copes, pictures and images, are come before, and, if we believe Dr. Cosins, the very substance of the Mass; a certain sign that the Pope was not far off. Now, these forerunners being come, if any man resist them, fire comes out of the brambles, and devours the cedars of Lebanon; the army of the Priests falls upon him with their arms of suspension, sequestration, excommunication, degradation, and deprivation: and by these arms hath Mr. Smart been oppressed and undone. He falls upon their superstitions and innovations; and they fall upon him with their arms, they beat him down, yea they pull him up by the roots, taking away all his means of maintenance and living; yet they leave him life to feel his miseries: 'Ita feriunt, ut diu se sentiat mori.' There is no cruelty equal to priestly cruelty. These are they that did put our Saviour to death. The calling is reverend, but the corruption of it most pernicious; 'Corruptio optimi pessima.' I know no reason of this change, except it be that of the apostle, 'Because when they knew God, they did not worship him as God, but made a God of the world; placing the excellency of priesthood in worldly pomp and greatness; and gave the glory of the invisible God to pictures, images and altars; 'therefore God gave them up to vile affections, to be implacable, unmerciful, and without natural affection.' But whatsoever is the cause of their corruption, certainly their arms have fallen heavily upon Mr. Smart, and priestly cruelty hath cast him into a long misery; from which he could get no release by any priestly mercy.—And now it is prayed, That as these delinquents, by the cruel oppressions of Mr. Smart, have advanced the cause of Popery, so they may in such a degree of justice be punished, that, in them, priestly cruelty, and the very cause of Popery, may appear to be punished, and suppressed; and that Mr. Smart, suffering for the cause of Protestancy, may be so repaired, that, in him, pious constancy, and the very cause of Protestancy, may appear to be righted and repaired.'

Report of a Conference concerning the State of the Kingdom.] March 22. A conference with the other house being desired by the lords, concerning the great Affairs of the Kingdom, the same was reported the next day to the commons, by Mr. Pierrepoint in the following manner:

The Earl of *Bristol* began the conference, and said, "Gentlemen, and you the knights, citizens, and burgesses of the house of commons. I am commaded by my lords here to let you know, that they have taken serious deliberation of the Propositions made by you, the other day, in a conference, concerning the extremity in which the kingdom was, for want of money to give satisfaction to the two armies. I am commanded to let you know, their lordships, in this, and any thing else that may conduce to the service of the king, and good of the kingdom, will concur, and be very ready to give such assistance as you shall propound, or, upon debate with them, think fit to advance the work. You were pleased to declare the great industry used for raising of monies; and truly we conceive it can scarce be paralleled in any time, where the house of commons hath shewed so great affection to the good of the kingdom, as, in their own particulars, to be so engaged as they have been: but they now perceive, though as good security as can be hath been tendered, (not only personal security, but the security of the kingdom, the bill of Subsidies) the cause of this hindrance must be some apprehension of damage, which the kingdom hath, and particularly the city of London, in that they fear unquiet and dangerous times, and so loth to part with money; for we cannot but conceive there is money in the kingdom, and in the the city: this fear is that which maketh them all keep the wealth they have, to serve their turns in extremity of danger; and therefore think, that since there is great use of money to open the credit of the kingdom, for the granting of Subsidies doth not get ready money, but gives credit; and peace and tranquillity will encourage the lending of money: and therefore the lords have commanded the lords commissioners, with all speed, to bring unto you the bottom of the treaty with the Scots, that the kingdom may see in what estate we are; and I hope it will be in a few days towards peace: and their lordships, as well for the sums in arrear, as for those other great sums which are promised, and must in time be provided, will, I make no doubt, likewise concur with you in that, and in all things else that may conduce to the happiness of the state: and therefore, because ways of money are more proper to proceed from you than from us, if you shall think that any way that may be propounded by you may be effectual; or, if you propound not, their lordships will let you know some of their propositions; and if you be not now prepared to confer about it, we shall, when you please, debate the same with you."

Lord *Say*. 'My lords have commanded me to let you know, that they do conceive much content in the good correspondency between both houses, as it is evidenced in this particular; which, though it is a tender point (and wherein my lords will not trench upon your privileges) you desire their advice; and there is nothing, wherein they may concur with you, that they will be unwilling unto: one way

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they have thought of, which, if you approve of it, and think it fit, may be used; whereby the city may be moved, from both houses, to lend; for there is the money to be had; but there are some obstructions, which may be by mistakes: and I do not doubt but that they will, when they shall be moved by both houses, be induced to lend that money that may serve the occasion, when the danger shall be made appear.'

Earl of *Essex*. 'I am only to add this more, That, because there may be another obstacle of lending money, the great grievances and calamities of this kingdom, together with the causers and advisers thereof, I am commanded to tell you, their lordships are very sensible of it; and that, in removing of any that have been the causes of these troubles, and, in the redress, they shall be ready to join in any way with you.'

Earl of *Bath*. 'To press, with all expedition, the Scots commissioners to come to a conclusion of the treaty, to the content of both houses.'

Account of Burton, Bastwick, and Prynne.] One of the first affairs which took up the attention of the house of commons, after the meeting of this parliament, was the Censures in the Star-Chamber, or elsewhere, with the subsequent Imprisonment of Burton, Bastwick and Prynne, as mentioned Nov. 7, in their Journals. These men had highly offended the court, and the whole hierarchy of English bishops, by publishing some books against that order: but, as this affair made a great noise at that time, it will be necessary to see what the cotemporary historians say of it. And first, lord Clarendon writes, 'There were 3 persons most notorious for their declared malice against the government of the church by bishops, in their several books and writings, which they had published to corrupt the people; with circumstances very scandalous, and in language very scurrilous and impudent, which all men thought deserved very exemplary punishment. They were of the three several professions which had the most influence upon the people; a divine, a common lawyer, and a doctor of physic; none of them of interest or any esteem with the worthy part of their professions, having been formerly all looked upon under characters of reproach. Yet when these men came to be sentenced, and for the execution of that sentence brought out to be punished as common and signal rogues, exposed on scaffolds to have their ears cut off, and their faces and foreheads branded with hot irons, men began no more to consider their manners, but the men; and each profession, with anger and indignation enough, thought their education, degrees, and quality would have secured them against such infamous judgments, and treasured-up wrath for the time to come."

Saunderson writes, "That Mr. Burton was a divine, at first employed by the court as clerk of the chapel closet; but this not being preferment suitable to his own conceited merit, he grew factious first, and then insolent in print, in two pamphlets against episcopacy, sharp and full of rancour."—Dr. Bastwick had before been censured, by the high commission, for writing and speaking against the prelacy: and, to shew his sentiments plainer, this author has given us the title of an Answer he made to an Information exhibited against him, by the Attorney General, in these words:—"The Answer of John Bastwick, doctor of physick, to the Information of sir Jn. Bankes, knt. attorney general; in which there is a sufficient demonstration, that the prelates are invaders of the king's prerogative royal; contemners and despisers of Holy Scriptures; advancers of popery, superstition, idolatry, and profaneness. Also, that they abuse the king's authority, to the oppression of his loyalest subjects, and therein exercise great cuelty, tyranny, and injustice; and, in the execution of these impious performances, they shew neither wit, honesty, nor temperance: nor are they servants of either God or the king, but of the devil; being enemies to God and the king, and of every living thing that is good. All which the said Dr. Bastwick is ready to maintain, &c." This Answer was contained in six sheets of large parchment, to the amaze of the whole court; nor could he be brought to be briefer, but printed it all, and dedicated it to the king, with an epistle to prove it.—Prynne was a barrister of Lincoln's-inn, who, for some pamphlets published against the king and church, had been before censured; but, upon a new attack against them, was punished the more. His sentence was a fine of 5000*l.* to the king, to lose the remainder of his ears in the pillory, to be stigmatized on both cheeks with an S. for Schismatick, and perpetual imprisonment in Caernarvon castle, in Wales. Bastwick and Burton each 5000*l.* to the king, to lose their ears in the pillory, and be imprisoned; the first in Launceston, in Cornwall, and the other in Lancaster castle. Our author concludes the account of these men with observing, "That, had they been brought to the King's-Bench bar, they would not have been conjured up, by policy and power, to join their revenge against the king and all their accusers."—We shall only add, that the house of commons did not only vote the sentences against these men unjust and illegal, but released them from their imprisonments. Mr. Whitlock says, "That they were conducted into London, from their several prisons, by many hundreds of horse and foot, in great pomp and defiance of justice; and that they petitioned the house of commons for damages against their prosecutors."

PROCEEDINGS ON THE IMPEACHMENT OF THE EARL OF STRAFFORD.

We now enter upon an affair of great importance, wherein one of the principal servants of the crown was accused by the Commons of High Treason. But before we proceed, it will be proper to take notice of an erazure made

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in the Lords Journals, by order of that house after the Restoration of Charles II. of all the Proceedings against the earl of Strafford this time. This extraordinary act was taken into consideration in a succeeding reign, and another order was made by the lords relating to it. This order is entered in the Journals just where the first erazure begins, and is in these words: —" Die Martis Julii 5to. 1698. The earl of Rochester reported from the lords committees, appointed to inspect the Journals of this house, in the year 1640 and 1641, relating to vacating or obliterating divers proceedings therein, pursuant to the act for reversing the earl of Strafford's attainder, as follows, viz. Upon perusal of the Journal of this house, in relation to the proceedings upon the Impeachment from the house of commons, it appears plainly that, by the former orders made by this house, relating to the cancelling and obliterating the proceedings of the earl of Strafford, according to the act of parliament made for reversing of the said earl's attainder, it could not be intended that any other proceedings should be obliterated than those relating especially to the said act of attainder; it is therefore ordered and declared, by the lords spiritual and temporal in parliament assembled, That whatsoever stands crossed upon the Journals relating to the proceedings on the Impeachment of the said earl, ought not or shall be looked on as obliterated; and that the several orders for obliterating and vacating any proceedings concerning the earl of Strafford, must be taken to be intended only to the act of attainder."—Which report being agreed to by the house, it was ordered, "That there be a note, or memorandum, of the aforesaid order in the margin of the Journals, where any such proceedings have been obliterated.—But an authentic copy of all the Proceedings was afterwards interleaved in the Original Journal by an order of the house, 15th Feb. 1768, and has since appeared in the printed editions of that work.

Nov. 11. A message from the commons to the lords was delivered by Mr. Pym, to this effect: "My lords; The knights, citizens, and burgesses, now assembled for the commons in parliament, have received information of divers traiterous designs and practices of a great peer of this house; and, by virtue of a command from them, I do here, in the name of the commons now assembled in parliament, and in the name of all the commons of England, accuse Thomas earl of Strafford, lord lieutenant of Ireland, of High Treason. And they have commanded me further to desire your lordships, that he may be sequestered from parliament, and forthwith committed to prison. They have further commanded me to let your lordships know, that they will, within a few days, resort to your lordships, with the particular Articles and Grounds of his Accusation; and they do further desire that your lordships will think upon some convenient and fit way, that the passage between Ireland and England, for his majesty's subjects of both kingdoms, may be free, notwithstanding any restraint to the contrary."

After this, the commons withdrew; and the lord keeper reported the effect of it to the house. And, after their lordships had considered of the message, they resolved to give this Answer for the present, by the lord keeper: viz. "That the lords do let them know, that they have been made acquainted with the Charge of High Treason, which the commons have made against the earl of Strafford; and their lordships do not doubt but that the commons did take great consideration in it before they came hither; and their lordships will take it into their consideration, and will send them a further Answer, by messengers of their own."

Whereupon the commons went to their own house; and the earl of Strafford, coming into the house, was commanded to withdraw. Then their lordships, falling into a serious debate of the message, concluded, and ordered, That the earl of Strafford, for this Accusation of High Treason by the commons, shall be presently committed to the safe custody of the gentleman usher of this house; and to be sequestered from coming to this house of parliament, until he hath cleared himself of this Accusation. The earl of Strafford being called to the bar as a delinquent, kneeling, the lord keeper, by direction of the house, signified to him as followeth:

"My lord of Strafford; The house of commons, in their name, and in the name of the whole commons of the kingdom of England, have this day accused your lordship, to the lords spiritual and temporal in this high court of parliament assembled, of High Treason. The Articles they will within few days produce. In the mean time, they have desired of my lords, and the lords have accordingly resolved, That your lordship shall be committed to safe custody to the gentleman usher, and sequestered from this house, until your lordship have cleared yourself of the accusation that shall be laid against you."

After this, he, offering to speak, was not permitted, but immediately sent away. And so the earl of Strafford went out of the house to the gentleman usher. Afterwards the lords thought it fit to send a message to the commons, to let them know how far they had proceeded for the present; and their lordships did agree, that the two lords chief justices should deliver a message to the commons, to this effect: "That the lords of the high court of parliament have taken into consideration the Charge of High Treason, which the commons have made against the earl of Strafford; and do let them know that their lordships have committed him to safe custody; and have sequestered him from coming to the house; and do desire that the Articles and Accusation against him may be brought in speedily; and further to let them know, that their lordships will take it into consideration how to free and open the passage between Ireland and England, notwithstanding

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any restraint; and to that purpose will move his majesty in it."

Nov. 11. The lord keeper signified to the house, That, waiting this morning on his maj. he was commanded by him to go to the earl of Strafford, to receive from him an account of some things in Ireland, that his maj. might know the better how to order his affairs there. Upon which his lordship humbly represented to his maj. the place his lordship held in the lords house; and that he had, by their lordships command, pronounced the sentence for commitment of the said earl, upon the accusation of the commons; and therefore humbly besought his maj. he might, before his going to the earl of Strafford, acquaint the house therewith; which his maj. was graciously pleased to give him leave to do. For which respect their lordships were pleased to give him thanks. And, upon the motion of the earl of Essex, it was agreed by their lordships, That the rest of their lordships, that have any occasion to go to him, should in the like manner acquaint the house first with it.

E. of Strafford's Petition to be bailed, and have Counsel.] Nov. 19. A Petition from the earl of Strafford was presented to the house by the lord keeper; viz.

"To the right hon. the Lords Spiritual and Temporal in the High Court of Parliament assembled: The humble Petition of Thomas earl of Strafford, his majesty's lieutenant general of Ireland;

"Humbly sheweth, That the petitioner was, on the 11th of this month, called to the bar, before your lordships; and there charged, in the name of the commons of England, with High Treason, and by your lordships committed to the gentleman usher, where he hath since remained, to his very great prejudice, both in health, fortune, and otherwise; howbeit, your petitioner hears not as yet of any matter in special objected against him; by means of this restraint (wherein nevertheless he willingly submits himself to the good pleasure of your lordships), your petitioner is, for the time deprived of the most valuable and esteemable inheritance any subject of this kingdom can be possessed of; to wit, the honour to sit in parliament, amongst the peers of the realm. Your petitioner humbly beseecheth your lordships he may be bailed, have counsel assigned, and Mr. Wm. Raylton allowed him as a solicitor, in the modest and just course of his own defence. And your petitioner shall wish to your noble lordships all increase of honour and happiness."

Message from the Commons, touching the Examination of Witnesses.] Nov. 20. Mr. Pym delivered the following message from the commons:

"My lords; The knights, citizens, and burgesses, of the house of commons assembled, have commanded me to let your lordships know, that there were divers Witnesses, which the house of commons were to produce in the great cause now depending before your lordships, wherein they have charged the earl of Strafford of High Treason; some of those witnesses were members of the house of commons, and for those they had already made an order to be ready to be examined by your lordships when they should be required; others are members, or assistants, of this hon. house; and for those they desired that your lordships would order they might be examined upon oath, if it should be required; and because some of the witnesses to be produced in this cause might be of his majesty's most hon. privy council, it was desired that your lordships would take some such course as should seem best to your own judgments, that they may be ready to be examined upon oath, if they be required. My lords; treason is such a crime as, in the first preparation and design, for the most part walks in the dark; or, if it come abroad, it is with such disguises as it is hardly to be discerned; and therefore I am commanded to commend it to your lordships just care and wisdom, so to provide, that, when any witnesses shall be produced, they may be speedily examined; and both the names of the parties, and the matter of the interrogatories and answers, may be kept private, till there shall be an occasion to make use of them; whereby subtile practices and combinations may be prevented, and the truth secured from corruption and concealment: there is only one thing more which I am to add, That your lordships will be pleased, that some members of the house of commons may be present at those examinations, to present to your lordships new interrogatories and questions, if it shall be needful."

The lords returned for Answer; "That the Message is of great importance, and their lordships will consider seriously of it, and will send a further Answer by messengers of their own.

Nov. 20, p. m. The lord keeper reported the effect of the message from the house of commons, delivered by Mr. Pym; and after much consideration of the many particular and weighty points in it, their lordships broke the body of the Message into 5 Heads; which, for the more clear and methodical proceeding, and the better to draw each point to a Resolution, their lordships thought it fit to handle each branch distinctly, and to finish one before they fell upon another. The 5 Heads of the Message were these: 1. The examinations of the members of the house of commons upon oath. 2. The examination of the lords of this house and the assistants upon oath. 3. The examination of the privy counsellors upon oath. 4. To provide that the proceedings may be speedy and secret. 5. About the members of the house of commons to be present at the examinations."

Nov. 21. Before their lordships proceeded to debate the particulars of the Message, they made this declaration: "That, before their lordships do enter into any debate concerning

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the Examination of Witnesses, their lordships do declare, That no examinations of witnesses ought to be taken, before a particular charge be given; and that this house doth understand the message from the house of commons in no other sense."

Hereupon their lordships proceeded to the consideration of the first branch of the Message from the house of commons; viz. "1. The examination of the members of the house of commons upon oath." And it was conceived that this particular needed no long debate. Therefore this house did leave the members of the house of commons to be examined, as they shall appoint. Then their lordships proceeded to the consideration of the 2nd branch, which was, "2. The examination of the lords of this house, and the assistants, upon oath." And, for the speedier resolution in this particular, the house was adjourned into a committee, during pleasure; and, after a little debate, it was agreed, "Upon the desire of the house of commons, and by the consent of the peers of this high court of parliament assembled, That, for this time, and in this case, the peers and assistants shall be examined upon oath, as witnesses."—To the 4th Head, "That the proceedings may be speedy and secret," it was agreed, that their lordship's will provide that they may be so.

Nov. 25. A conference took place between both houses; and the lord keeper reported the effect of it; viz. "That the house of commons have delivered their Articles of High Treason against the earl of Strafford, consisting of divers Charges; and that the commons desired, 1. That the earl may be called to answer the said Articles. 2. That they may be made acquainted with the earl's Answer. 3. That they may be made acquainted with the Depositions. 4. They required further, they might add to their accusation, as occasion should serve. After this, the Articles were read publicly, in hæc verba:

"Articles of the Commons, assembled in Parliament, against Thomas Earl of Strafford, in Maintenance of their Accusation, whereby he stands charged with High Treason.

"I. That he the said Thomas earl of Strafford hath traiterously endeavoured to subvert the fundamental laws and government of the realms of England and Ireland, and, instead thereof, to introduce an arbitrary and tyrannical government, against law, which he hath declared by traiterous words, counsels, and actions, and by giving his majesty advice, by force of arms, to compel his loyal subjects to submit thereunto. II. That he hath traiterously assumed to himself regal power over the lives, liberties of persons, lands, and goods of his majesty's subjects, in England and Ireland, and hath exercised the same tyrannically, to the subversion and undoing of many, both peers and others, of his majesty's liege people. III. The better to inrich, and enable himself to go through with his traiterous designs, he hath detained a great part of his majesty's revenue, without giving any legal accounts; and hath taken great sums of money out of the exchequer, converting them to his own use, when his majesty was necessitated for his own urgent occasions, and his army had been a long time unpaid. IV. That he hath traiterously abused the power and authority of his government, to the increasing, countenancing, and encouraging of Papists, that so he might settle a mutual dependance and confidence betwixt himself and that party, and by their help prosecute and accomplish his malicious and tyrannical designs. V. That he hath maliciously endeavoured to stir up enmity and hostility between his majesty's subjects of England and those of Scotland. VI. That he hath traiterously broken the great trust reposed in him by his majesty, of lieutenant general of his Army, by wilfully betraying divers of his majesty's subjects to death, his majesty's Army to a dishonourable defeat by the Scots at Newborne, and the town of Newcastle into their hands, to the end that, by effusion of blood, by dishonour, by so great a loss as of Newcastle, his majesty's realm of England might be engaged in a national and irreconcilable quarrel with the Scots. VII. That, to preserve himself from being questioned for these and other his traiterous courses, he laboured to subvert the right of parliaments, and the ancient course of parliamentary proceedings, and, by false and malicious slanders, to incense his maj. against parliaments.—By which words, counsels, and actions, he hath traiterously, and contrary to his allegiance, laboured to alienate the hearts of the king's liege people from his maj. to set a division between them, and to ruin and destroy his majesty's kingdoms, for which they do impeach him of High Treason against our sovereign lord the king, his crown and dignity. And he the said earl of Strafford was lord deputy of Ireland, or lord lieutenant of Ireland, and lieut. general of the Army there, under his majesty, and a sworn privy counsellor to his maj. for his kingdoms both of England and Ireland, and lord president of the North, during the time that all and every of the crimes and offences before set forth were done and committed; and he the said earl was lieut. general of his majesty's Army in the North parts of England, during the time that the crimes and offences in the 5th and 6th Articles set forth were done and committed.—And the said commons, by protestation, saving to themselves the liberty of exhibiting at any time hereafter any other Accusation or Impeachment against the said earl, and also of replying to the Answer that he the said earl shall make unto the said Articles, or to any of them, and of offering proof also of the premises, or any of them, or of any other Accusation or Impeachment that shall be by them exhibited, as the case shall, according to the course of parliaments, require; and do pray that the said earl may be put to answer

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to all and every the premises; and that such proceedings, examination, trial, and judgment, may be upon every of them had and used, as is agreeable to law and justice."

Whereupon it was ordered, by the lords, That, upon the accusation of High Treason of the earl of Strafford, by the house of commons, he be forthwith committed to the Tower; and that he have a copy of the Articles, to prepare a speedy Answer; and likewise that he have free access of such counsel to him, to advise about his Answer, as this house shall allow and approve of, when he shall present a list of their names: and that the access of friends and servants shall not be debarred him; and such physicians as he shall think fit for his health shall have access unto him.

The earl of Strafford was presently sent for, by the gentleman usher, in whose custody he was; who appeared at the bar, as a delinquent. And then the lord keeper signified to him, That the house of commons have delivered an Impeachment of High Treason against him, which was read unto him publicly, in open court. After which he had leave given him to speak. He rendered their lordships humble thanks for their proceedings with him, and desired of their lordships: "That he might have time given him to Answer. That he might have Counsel assigned him. That he might have Servants about him, and his friends to have access to him."

He being commanded to withdraw, and the house taking his requests into consideration, he was called for in again; and the lord keeper told him that their lordships had ordered, that he should stand forthwith committed to the Tower, and shall have such Counsel allowed him, and, if need be, assigned him, as the house shall approve of, when he delivers in their names in writing; and that the access of his friends and servants is not debarred him; and likewise such physicians as he shall think fit for his health may repair unto him. For this the earl gave their lordships humble thanks; but craved leave to desire one thing more, which was, that no Examinations of Witnesses might be before he had made his Answer; and that the names of witnesses may be given in before they be examined. But, he withdrawing, the house appointed the lord keeper to send for these in writing from the earl of Strafford.

Nov. 27. The lords took into consideration to give resolution to those Heads of the Message from the commons which are not resolved of, whereby to give an Answer to the commons; and the particular that was debated was, "The Examination of Privy Counsellors and Assistants of this house upon oath;" for the freer debate whereof, the house was adjourned into a committee; and being resumed, it was ordered, That all such peers of this hon. house as shall be required shall, for this time, and upon this occasion, be examined upon oath; and that all the assistants shall be likewise examined upon oath, if it be required.

Petition of the E. of Strafford concerning Witnesses.] This day the Petition of the earl of Strafford was read, in hæc verba:

"The humble Petition of Thomas Earl of Strafford, his Majesty's Lieut. General of Ireland.

"Most humbly sheweth; That, in obedience to your lordship's order, and in due acknowledgment of your lordships noble justice and respect vouchsafed this your petitioner the other day, he now expresseth in writing that humble request he made then concerning the Examining of Witnesses, which, with your lordships favour, was this: That there might be no admission of any Examination of Witnesses in this cause till your petitioner had put in his Answer to the Charge of Treason exhibited against him. That, after answer, no witness should be examined before your petitioner had the name of such witness delivered unto him by your lordships order, to the intent (as by his council he should be advised) he might either except against such witness, or cross-examine him. And that, before either of these two points should be overruled against your petitioner, your lordships might be honourably pleased to hear him, by his counsel, at the bar, to shew cause why he humbly conceives his desires herein to be just and reasonable. Finally, the petitioner humbly craves your lordships remission, if his petitions be not so formal or pertinent as they both ought and might be, if he had the help of Counsel; and shall ever, with all expression of duty and thankfulness, retain in full memory your lordships most honourable justice and noble respects to your petitioner the other day, and pay your lordships the duties of his whole life for the same. And always and unfeignedly pray for your most noble lordships increase of all lasting honour and happiness."

Whereupon it was ordered, That no examinations are to be taken before the earl of Strafford hath put in his Answer; and that no Counsel shall be heard at bar, as is desired in the petition. And as touching the delivering the Names of Witnesses to the earl of Strafford before their Examination, whereby he might except against them, or cross-examine them, their lordships thought it fit to defer the consideration of this until to-morrow morning; against which time the lord keeper was desired by the house to give order to the clerks and ministers of some court of justice, to search out for some precedents of this nature, the better to inform the house, as they shall see cause. The house was pleased to assign Counsel to the earl of Strafford, according to a list presented by him; and those which the house did assign were these: Counsel; Mr. Richard Lane, Serj. Rowles, Mr. Recorder of London, Mr. Platt, Mr. George Lowe, Mr. John Lightfoote, and Mr. Hugh Wyndham. Any of these counsellors have liberty to be excused, if they can alledge any just excuse.

Feb. 17. This day the earl of Strafford be-

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ing, by order of this house, to appear in person, and put in his Answer in writing, came to the bar. The lord keeper asked himself, whether he had accordingly brought his Answer in writing. He desired, That he might have leave to speak by his counsel; which the house permitted. Then Mr. Lane, the Prince's attorney, being of his counsel, acquainted the house, That the earl of Strafford's Answer is not now ready; and gave these reasons following, to induce this house to believe that it is real, and not excuse: "1. That the general accusation of High Treason against the earl of Strafford consists of 7 Heads, and out of those generals in the last Impeachment are extracted 28 Articles, each Article containing several charges. 2. They contain the actions of the earl of Strafford's service, for 13 years past, and intrench upon his several offices both in England and Ireland; which will draw the Answer into a great length; he being to recollect himself, to give an account of all the particulars. 3. The instructions for drawing his Answer must be taken from his own mouth, and by one man. 4. That yesterday was the first day that his counsel read over the Answer, which is yet but in the rough draught, consisting of 200 sheets of paper; that they were reading it over from 9 in the morning until 11 at night; and are of opinion that many alterations must be made therein; and, in conclusion, desired some longer time for putting in the earl's Answer."

After this, the earl said, "That his Charge was heavy; and that he hath not neglected any time in preparing his Answer against this day; therefore desires some longer time."

He and his counsel being withdrawn, the house took what had been said into consideration; and their lordships being desirous to proceed upon such grounds as might stand with the justice and honour of this house, and give satisfaction to the whole kingdom, the house was put into a committee during pleasure, that this business might be the better debated; and they took into consideration whether the counsel shall be heard upon oath, if they will voluntarily affirm upon oath, what they have averred unto this house without an oath, whether the earl's Answer be ready now or not. And the house being resumed; it was resolved, That the counsel be called in, and told, that they having averred to the lords that the earl's Answer is not yet ready, to ask them what proof they will offer, to give their lordships satisfaction therein. This being done, and some of the lords not receiving full satisfaction therein; it was put to the question, whether, upon that which hath been declared at the bar by the counsel, it be fit to give further time to the earl of Strafford; and it was resolved, That, upon what hath been declared at the bar by the counsel, it is fit to give the earl further time to put in his Answer. And it was resolved, That the earl of Strafford shall put in his final Answer to the Charge of High Treason against him, upon Wednesday next, the 24th inst, peremptorily, without expectation of any further time; at which time the earl is to attend in person.

Feb. 24. This day the king came to the house of lords unexpectedly, for which reason, neither he nor the lords were robed. The king declared to the house, that the cause of his coming now was to hear the charge against the earl of Strafford; and the earl being called to the bar, the Articles against him were read distinctly by the clerk of parliament; with his Answers to each by his lordship's counsel. After which his majesty withdrew. When the king was gone, the lords ordered the lord keeper to resume the house; and commanded the earl of Strafford to be again brought to the bar, (taking all that was done in the king's presence to be no act of the house) and appointed the lord keeper to demand his Answer of him. A question arising, Whether the bishops should be present at the reading of the earl's Answer, being *in agitatione causæ sanguinis?* Their lordships chose to withdraw on that occasion.

The earl's Answer being tendered by him, and read by his counsel, he then asked leave to speak; which being allowed, he said, "That he desired time to examine witnesses in his own defence, and to have the names of those who had been examined against him: to have power to cross examine or except against such witnesses as he should desire: that the deposition of his own witnesses might be taken in writing: and that he might have a warrant from the house to produce his witnesses." Upon which it was ordered, "That no Answer should be given unto the earl, until the house of commons was made acquainted with his request;" and a conference was desired accordingly. It was afterwards granted.

The house of commons was employed, seemingly, all the rest of this month, in getting ready to support the Charge against the earl of Strafford; whose trial began on the 22nd of March; scaffolds being erected in Westminster Hall for that purpose. We meet with the following speech of sir John Wray for a vigorous prosecution of the earl. It seems to have been spoken sometime during this month, but the day is not mentioned.

Sir *John Wray.*—'Mr. Speaker; In this great and weighty cause; we ought seriously to consider, 1st. What we have done ourselves already, in the Accusation and Impeachment of this great earl of High Treason. 2nd. Let us remember what we now are; not only parliament-men, but public men, and Englishmen. As parliament-men, let us follow the steps of our ancestors, and be constant to that rule of law which was their guide, and should be ours. As public men, forget not whom we here represent, and by how many chosen and trusted. As Englishmen, let us call to mind the undaunted spirits and stout hearts of those antient heroes, from whom we are descended; how free they were from pusillanimity, and how they scorned all flattery, and slavery: let us then, now or never, shew that the same

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blood runs in our veins. 3dly. Let us be well advised what to do, in case we shall be denied justice in this particular; upon which depends not only the happiness, but the safety of this parliament, of this kingdom, of ourselves, and of our posterities. And this is my aviso.'

March 25. This day a conference was held, to represent to the lords the necessity of expediting the earl of Strafford's Trial, in respect of the pressing occasions of both houses, and of the state of the whole kingdom; which would be much interrupted and prejudiced by the protraction of it. In this consideration the house of commons desired their lordships that they would be pleased to prevent all unnecessary delays, which might be occasioned by his excursions or impertinent exceptions; which, as they would take up much time in debate, so they may occasion frequent adjournments, which were desired to be avoided.

April 9. The lords and commons being still engaged in attending the Trial of the earl of Strafford, de die in diem, the other proceedings of both houses are very short in their Journals. This day the commons prayed a conference with the lords; the heads of which were to this effect, 'To acquaint them with the great necessities of the kingdom; the preciousness of Time, and how much already had been spent in this Trial; how prejudicial it will be to the kingdom, if any more be spent than has been; and therefore to desire that to-morrow may be appointed for a peremptory day for the earl of Strafford to be heard, if he will come;* otherwise, that the committee of this house may proceed in their Replication to the whole matter, and the earl to be absolutely excluded from saying any more, as to the matter of fact. This request was acceded to by the lords. Upon this occasion,

Sir *John Wray* made the following speech: 'Mr. Speaker; Truth is the daughter of time, and experience the best schoolmaster, who hath long since taught many men and estates the sad and woful effects of an half-done work: those convulsions and renting pains, which the body of Great Britain now feels, shew us, that the ill humours and obstructions are not yet fully purged, nor dissolved.—Mr. Speaker, God will have a thorough work done; if instead of redressing evils, we think to transact all, by removing of persons, and not things, well may we lull our troubles for a season, but they will return with greater violence. For, believe it, Mr. Speaker, let us flatter ourselves as we please, a dim-sighted eye may see, that although we think we have now passed the equinoctial of the *Straffordian* line, and seem to have gone beyond *Canterbury*; yet the factious and undermining agents of our religion grow daily more and more powerful; and, no doubt, do labour an extirpation of all parliaments, and men too, that will not think, say, and swear to their opinions and practices. Have we not then Mr. Speaker, a wolf by the ears? Is there any way to get scot-free, or wolf-free, but one? Then let us take and not forsake that old English parliamentary road, which is *via tuta*, and will bring us safely to our journey's end. This is my humble motion.'

Sir H. Vane's Notes of Opinions in Council, produced against the earl of Strafford.] April 10. An affair of the utmost consequence to the earl of Strafford, since it cost him his life, came before the commons. Preparatory to it, the doors of the house were ordered to be shut, the key brought up, and none to go out without leave: then Mr. Glynn reported from the committee in the carl of Strafford's Cause, That they had some further evidence to corroborate the latter part of the 23d Article against him: thereupon sir Henry Vane, the younger and Mr. Pym, were enjoined by the house to declare their whole knowledge concerning the matters contained in that Article against the earl, and how and by what means they came by it. When they had done this, a Paper† was produced by Mr. Pym, and so much of it read by him as concerned the earl of Strafford, but afterwards he was ordered to read it all. Notice being then given that a message from the lords waited at the door, they were ordered to be called in; but all the members to keep their seats, and none to stir out without leave. —The further examination of this business is left short in the Journals; it it only said there, That the treasurer, sir H. Vane, was enjoined by the house to answer, Whether he did take any Notes to the effect of those notes already read, at what time, and upon what occasion? The Answer is omitted; and this is all which is said, therein, at this time.

On the same day a bill for the Attainder of Thomas earl of Strafford, for High Treason, was read a first time in the house.

April 12. Heads of a conference to be desired with the lords were argued in the house, "1st, A Narrative of the Evidence mentioned on Saturday last, to which two members of this house were ready to depose. 2dly, That the house having taken it into consideration, did conceive it very material; but, in regard of the danger and distractions of the present times, and that much time may be spent in the debate touching the admitting of this Evidence, they resolve to come to a general reply, setting aside that evidence for this time, &c. 3dly, That upon occasion of discovery of this Evidence,† a Paper was read in the house whereby

* The Earl had been taken ill of a violent fit of the stone the night before. Whitlocke.

* In a marginal note of the printed Journals, we are told, 'That this Paper was a Copy of Notes, taken at a Giunto of the privy council, for the Scots Affairs, about the 5th of May last. Commons Journals, Vol. II. p. 118.

† Mr. Whitlocke gives the following Account of the Discovery of this Paper of Notes, taken by Secretary Vane of some Opinions delivered at the Council Table, the morning of the day the last parliament was dissolved, thus; "Se-

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it did appear, that at the same time the dangerous words were spoken by the earl of Strafford, touching the bringing the Irish army into England, other words were then spoken by two others, then present, decyphered by these letters, *L. Arch. L. Cott.* (by which we conceive is meant the lord archbishop of Canterbury and lord Cottington) very full of pernicious counsels to the king, and slander to the commons assembled in the last parliament, as would appear by the Paper, if their lordships would please to have it read, which the committee is commanded to read, and leave it to their consideration: and to desire their lordships will take some course that it may be duly examined by whom these words were spoken, that there might be some further proceedings to prevent the dangers that may ensue thereupon; and that these counsels may be looked into, and searched to the bottom."

The conference being held, as was desired, Mr. Glynn reported to the house, 'That the lord steward did speak for the rest of the lords; and told them, that the lords had agreed this house may proceed as formerly was intended, before the offer of further Evidence was proposed: the lord Strafford to recollect his Evidence first, and, that being done, the members of the house of commons to state theirs. All this to be ended to-morrow morning; of which they would give the earl of Strafford notice.

Mr. Whitlocke informs us, That the next day, April 18, the earl being brought to Westminster, and both houses being met, the Notes were openly read: the title of them was, "No Danger of a War with Scotland, if offensive, not defensive." Then followed the Opinions interlocutory:

K. C.* "How can we undertake an offensive war, if we have no more money?"

L. L. Ir† "Borrow of the city 100,000*l.* go on vigorously to levy Ship Money; your maj. having tried the affection of your people, you are absolved and loose from all rule of government, and to do what power will admit. Your majesty having tried all ways, and being refused, shall be acquitted before God and man: and you have an army in Ireland, that you may employ to reduce this kingdom to obedience; for I am confident the Scots cannot hold out five months."

L. Arch.‡ "You have tried all ways, and have always been denied, it is now lawful to take it by force."

L. Cot.‖ "Leagues abroad there may be made for the defence of the kingdom: the lower house are weary of the king and church: all ways shall be just to raise money by, in this inevitable necessity, and are to be used, being lawful."

L. Arch. "For an offensive, not any defensive war."

L. L. Ir. "The town is full of lords, put the Commission of Array on foot, and if any of them stir we will make them smart."

To this the earl answered, "That it were hard measure, for opinions and discourses by privy counsellors, in a debate of council, to be prosecuted under the notion of treason. 1. As to the words, 'That the king had an army in Ireland to reduce this kingdom;' they are only proved by the single testimony of one man, Secretary Vane; which is not of validity enough in law, in matter of debt, much less in point of life and death. 2. That the secretary's deposition was exceeding dubious; for, upon two examinations, he could not remember any such words; the third time his testimony was not positive, 'but that I spake those words, or the like;' and words may be very like in sound, yet differ much in sense. 3. That there were present at the debate but eight privy counsellors; two of them (the archbishop and secretary Windebank) cannot be produced. Secretary Vane affirms the words; I deny them. Four remain for evidence, the marquis of Hamilton, the earl of Northumberland, the lord treasurer, and the lord Cottington. All these have declared upon their honours, that they never heard me speak those words, nor any the like. 4. Suppose I spake the words, which I grant not, yet cannot the word *this* rationally imply England, as is yielded on all hands; because England was not out of the way of obedience, as the earl of Clare well observed; and because there never was any the least intention of landing the Irish army in England, as the lords of the council are able to attest."

Mr. Whitlocke proceeds to tell us, "That the foregoing Paper, of so great consequence, was missing at the committee; and, by the earl's Answer, it was supposed he had seen it, and that it was conveyed to him (Mr. W.) by some of the committee: that he, being in the chair, and having the charge and custody of all the papers, was suspected more than others to have acted this piece of treachery." He adds, "That great inquiry and search was made for the Paper, but it could not then be found. He told them,

cretary Vane being out of town, sent a letter to his son, sir Henry Vane, the younger, then in London, with the key of his study, for his son to look in his cabinet for some papers there, to send to his father. The son looking over many papers, among them lighted upon these Notes; which being of so great concernment to the public, and declaring so much against the earl of Strafford, he held himself bound in duty and conscience to discover them. He shewed them to Mr. Pym, who urged him, and prevailed with him, that they might be made use of in the evidence against the earl of Strafford, as being most material and of great consequence, in relation to that business."

* K. Charles.

† Lord Lieut. of Ireland, Earl of Strafford.

‡ Archbishop Laud.

‖ Lord Cottington. By these abbreviations the foregoing persons were supposed to be intended.

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when it was missing; and that amongst such a multitude of papers as he had in his custody, it was not easy to see that he had them all again, when they were brought forth, or any of them called for: that he never shewed this paper to any but the committee, and knew not who had it, or what was become of it; nor did he convey it, or know of any that had conveyed it away. But this would not serve; the house was acquainted with the missing of the Paper, and they ordered, 'That every one of the committee should make a solemn protestation in the house, that they did not convey it away, nor knew what was become of it.' All of them made this protestation, and the lord Digby with more earnestness and deeper imprecations than any of the rest; yet afterwards, at the Battle of Naseby, the king's cabinet being taken, among the papers in it was a copy of these Notes, under the lord Digby's hand; whereby Whitlocke was cleared, and the conveyer of the paper to the king, and from him to the earl of Strafford, was fully discovered."

The Earl's Defence.] The earl having delivered his Answer to the additional Proof, the lord steward told him, 'That if he had any thing further to say in his defence, he should proceed, because the court intended to prepare matters for their speedy judgment.' Whereupon he made a summary repetition of the several parts of his former defence, and concluded thus:

"My lords, it is hard to be questioned upon a law which cannot be shewn. Where hath this fire lain hid so many hundred years, without smoak to discover it, till it thus burst forth to consume me and my children? That punishment should precede promulgation of a law; to be punished by a law subsequent; to the fact is extream hard: what man can be safe, if this be admitted? My lords, it is hard in another respect, that there should be no token set, by which we should know this offence; no admonition by which we should avoid it. If a man pass the Thames in a boat, and split himself upon an anchor, and no buoy be floating to discover it, he who owneth the anchor shall make satisfaction: but if a buoy be set there, every man passeth upon his own peril. Now, where is the mark, where is the token upon this crime, to declare it to be High Treason?—My lords, be pleased to give that regard to the peerage of England, as never to expose yourselves to such moot points, such constructive interpretations of laws: if there must be a trial of wits, let the subject matter be of somewhat else than the lives and honours of peers. It will be wisdom for yourselves, for your posterity, and for the whole kingdom, to cast into the fire these bloody and mysterious volumes of constructive and arbitrary treason, as the primitive christians did their books of curious arts; and betake yourselves to the plain letter of the law and statute, that telleth us what is, and what is not treason, without being more ambitious to be more learned in the art of killing, than our forefathers. It is now full 240 years since any man was touched for this alledged crime, to this height, before myself. Let us not awaken these sleeping lions, to our destructions, by taking up a few musty records, that have lain by the walls so many ages forgotten, or neglected.—May your lordships please not to add this to my other misfortunes; let not a precedent be derived from me so disadvantageous, as this will be, in its consequence, to the whole kingdom. Do not, through me, wound the interest of the commonwealth: and howsoever these gentlemen say, they speak for the commonwealth; yet, in this particular, I indeed speak for it, and shew the inconveniences and mischiefs that will fall upon it: for, as it is said in the statute, 1 Hen. IV. 'No one will know what to do or say for fear of such penalties.'* Do not put, my lords, such difficulties upon ministers of state, that men of wisdom, of honour, and of fortune, may not, with chearfulness and safety, be employed for the public. If you weigh and measure them by grains and scruples, the public affairs of the kingdom will lye waste; no man will meddle with them, who hath any thing to lose.—My lords, I have troubled you longer than I should have done, were it not for the interest of those dear pledges a saint in Heaven hath left me."—At this word he stopped a while, letting fall some tears to her memory, then he went on.—"What I forfeit myself is nothing; but that my indiscretion should extend to my posterity, woundeth me to the very soul. You will pardon my infirmity, something I should have added, but am not able, therefore let it pass.—Now, my lords, for myself, I have been, by the blessing of Almighty God, taught, 'That the afflictions of this present life are not to be compared to the eternal weight of Glory which shall be revealed hereafter.' And so, my lords, even so, with all tranquillity of mind, I freely submit myself to your judgment; and whether that judgment be of life or death, *Te Deum laudamus.*"

Mr. Whitlocke sums up his account of the earl's behaviour, in these words; which are the more remarkable as he was chairman of the committee against him, "Certainly never any man acted such a part, on such a theatre, with more wisdom, constancy, and eloquence; with greater reason, judgment, and temper; and with a better grace in all his words and gestures, than this great and excellent person

* By this act, which the earl here quoted, it was enacted, "That, in no time to come, any Treason be judged otherwise than it was ordained by the statute in the time of the king's noble grand-father, king Edw. 3. whom God assoil." And the reason given for it is, "Because, by an act of 21 Rich. 2. divers pains of Treason were ordained by statute, inasmuch that there was no man which did know how he ought to behave himself, to do, speak, or say, for doubt of such pains: Statutes at large, Anno 1 Hen. IV. cap. 10.

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did; and he moved the hearts of all his auditors, some few excepted, to remorse and pity."

April 14. Notwithstanding these proceedings relating to the Trial, the bill for the Attainder of the earl of Strafford went on; and this day it was read a second time in the commons, and committed to a committee of the whole house.*

April 15. Another conference was desired by the commons, relating to the Trial and this Bill; in which, amongst other matters, it was observed to the lords, 'That the evidence of fact being given, it was proposed, from the beginning, to go by way of bill; and that they had accordingly brought in a bill for his Attainder. That the proceedings, by way of bill, stand no way in opposition to the other proceedings that have already been in this business.'—Mr. Whitlocke reported from this conference, 'That they were told by the lords that they were not absolutely resolved how the Trial should proceed: that the lord Strafford's counsel should have notice to attend there the next day, and should not speak to any matter of fact, but to matter of law only.'

April 16. This day the commons took into consideration yesterday's report from the lords, concerning the Trial; when it was resolved, "That it is sufficiently proved, that Thomas earl of Strafford hath endeavoured to subvert the antient and fundamental laws of these realms of England and Ireland, and to introduce an arbitrary and tyrannical government, against law."

In the afternoon of this day another conference was desired with the lords on the following particulars: 1. To take notice to them of their lordships Resolution to hear the earl of Strafford's counsel in matter of law only. 2. To put their lordships in mind of a saving the commons had in that point; and further to tell them this, That if, after his counsel shall be heard, any doubt should remain with their lordships, they shall be ready to satisfy them in due time. 3. That to this end, they do intend to send a committee of this house, only to hear what his counsel shall say. 4. To desire that their lordships would be pleased to put an end to this Trial as soon as in justice it may be; to desire also a continuance of their care, that the counsel, under colour of speaking to the matter of law, travel not into matter of fact.

April 19. The same Resolution was made in regard to the earl of Strafford, as on the 16th, with the addition of voting him 'Guilty of High Treason.'

Lord Digby's Speech against the Bill for attainting the E. of Strafford.] April 21, p. m. This afternoon a final determination was put to the bill of Attainder against the earl of Strafford, in the house of commons. It had been debated strongly great part of the morning, and was ordered to be ingrossed. This ingrossment was made very quick; and, on the third reading of it,

Lord *Digby*, who had been one of the committee against the earl, spoke as follows:—'Mr. Speaker; We are now upon the point of giving (as much as in us lies) the final sentence unto death or life, on a great minister of state, and peer of this kingdom, Thomas earl of Strafford; a name of hatred in the present age, by his practices, and fit to be made a terror to future ages by his punishment. I have had the honour to be employed by the house in this great business, from the first hour that it was taken into consideration. It was a matter of great trust, and I will say, with confidence, that I have served the house in it, not only with industry, according to my ability; but with most exact faithfulness and service. And as I have hitherto discharged my duty to this house and to my country, in the progress of this great cause, so I trust I shall do now in the last period of it, to God and to a good conscience. I do wish the peace of that unto myself, and the blessings of Almighty God to me and my posterity, according as my judgment on the life of this man shall be consonant with my heart, and the best of my understanding in all integrity.—I know well, Mr. Speaker, that by some things I have said of late, whilst this bill was in agitation, I have raised some prejudices upon me in the cause. Yea some (I thank them for their plain dealing) have been so free as to tell me, that I have suffered much by the backwardness I have shewn in this bill of Attainder of the earl of Strafford, against whom I have, formerly, been so keen, so active.—I beg of you, and the rest, but a suspension of judgment concerning me, till I have opened my heart unto you clearly and freely in this business. Truly, sir, I am still the same in my opinions and affections, as unto the earl of Strafford: I confidently believe him to be the most dangerous minister, the most insupportable to free subjects, that can be charactered. I believe his practices in themselves as high, as tyrannical, as any subject ever ventured on; and the malignity of them hugely aggravated by those rare abilities of his, whereof God had given him the use, but the Devil the application. In a word, I believe him to be still that grand apostate to the commonwealth, who must not expect to be pardoned in this world, till he be dispatched to the other, (see p. 651). And yet, let me tell you, Mr. Speaker, my hand must not be to that dispatch: I protest, as my conscience stands informed, I had rather it were off.—Let me unfold to you the mystery, Mr. Speaker: I will not dwell much upon justifying unto you my seeming variance at this time from what I was formerly, by putting you in mind of the difference between prosecutors and judges. How misbecoming that fervour would be in a judge, which perhaps was commendable in a prosecutor. Judges

* This Bill of Attainder was brought in by sir Arthur Haslerig. Lord Clarendon gives a very long and particular account of it in his first volume, p. 178 to p. 183, fol. edit.

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we are now, and must put on another personage. It is honest and noble to be earnest, in order to the discovery of truth; but when that hath been brought so far as it can to light, our judgment thereupon ought to be calm and cautious. In prosecution upon probable grounds, we are accountable only for our industry or remissness; but in judgment we are deeply responsible to God Almighty for its rectitude or obliquity. In cases of life, the judge is God's steward of the party's blood, and must give a strict account for every drop. —But, as I told you, Mr. Speaker, I will not insist long upon this ground of difference in me now, from what I was formerly. The truth of it is, sir, the same ground whereupon I (with the rest of the few to whom you first committed the consideration of my lord Strafford) brought down our opinion, That it was fit he should be accused of Treason; upon the same ground I was engaged with earnestness in his prosecution; and had the same ground remained in that force of belief with me, which till very lately it did, I should not have been tender in his condemnation: but, truly, sir, to deal plainly with you, that ground of our accusation, that spur to our prosecution, and that which should be the basis of my judgment of the earl of Strafford, as unto Treason, is, to my understanding, quite vanished away.—This it was, Mr. Speaker: his advising the king to employ the army in Ireland to reduce England. This I was assured would be proved, before I gave my consent to his accusation. I was confirmed in the same belief, during the prosecution, and fortified most of all in it since sir Henry Vane's preparatory examination, by assurances which that worthy member, Mr. Pym, gave me, that his testimony would be made convincing by some Notes of what passed at the juncto, concurrent with it; which I ever understanding to be of some other counsellor, you see now prove but a copy of the same secretary's Notes, discovered and produced in the manner you have heard; and those such disjointed fragments of the venomous part of discourses: no results, no conclusions of councils, which are the only things that secretaries should register; there being no use of the other, but to accuse and bring men into danger.—But, sir, this is not that which overthrows the evidence with me, concerning the army in Ireland; nor yet, that all the rest of the juncto remember nothing of it; but this, sir, which I shall tell you, is that which works with me, under favour, to an utter overthrow of his evidence, is unto that of the army of Ireland: before, whilst I was prosecutor, and under tye of secrecy, I might not discover any weakness of the cause, which now, as a judge, I must. Mr. Secretary was examined thrice upon oath, at the preparatory committee. The first time he was questioned to all the interrogatories; and to that part of the 7th, which concerns the Army in Ireland, he said positively these words, 'I cannot charge him with that;' but, for the rest, he desires time to recollect himself; which was granted him.—Some days after he was examined a second time, and then deposes these words concerning the king's being absolved from rules of government, and so forth, very clearly. But being pressed to that part, concerning the Irish Army, again, he said, He could say nothing to that.—Here we thought we had done with him, till divers weeks after, my lord of Northumberland, and all others of the juncto, denying to have heard any thing concerning those words, of reducing England by the Irish army, it was thought fit to examine the secretary once more; and then he deposes these words to have been spoken by the earl of Strafford to his majesty, 'You have an Army in Ireland, which you may employ here to reduce (or some words to that sense) this kingdom.'—Mr. Speaker, these are the circumstances which, I confess with my conscience, thrust quite out of doors that grand Article of our Charge, concerning his desperate advice to the king, of employing the Irish Army here.—Let not this, I beseech you, be driven to an aspersion upon Mr. Secretary, as if he should have sworn otherwise than he knew or believed; he is too worthy to do that; only let thus much be inferred from it, that he who twice upon oath, with time of recollection, could not remember any thing of such a business, might well a third time misremember somewhat: and in this business the difference of one letter, *here* for *there*, or *that* for *this*, quite alters the case; the latter also being the more probable, since it is confessed on all hands, that the debate then was concerning a war with Scotland: and you may remember that, at the bar, he once said 'to employ there.' And thus, Mr. Speaker, I have faithfully given you an account, what it is that hath blunted the edge of the hatchet, or bill, with me, towards my lord Strafford.—This was that whereupon I accused him with a free heart, prosecuted him with earnestness; and, had it to my understanding been proved, should have condemned him with innocence; whereas, now, I cannot satisfy my conscience to do it. I profess, I can have no notion of any body's intent to subvert the laws, treasonably, but by force; and this design of force not appearing, all his other wicked practices cannot amount so high with me.—I can find a more easy and more natural spring, from whence to derive all his other crimes, than from an intent to bring in tyranny, and to make his own posterity, as well as us, slaves; as, from revenge, from pride, from avarice, from passion, and insolence of nature. But had this of the Irish Army been proved, it would have diffused a complexion of treason over all; it would have been a withe indeed to bind all those other scattered and lesser branches, as it were, into a faggot of treason.—I do not say but the rest may represent him a man as worthy to die, and perhaps worthier, than many a traitor. I do not say but they may justly direct us to enact, that they shall be treason for the future. But God keep me from

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giving judgment of death on any man, and of ruin to his innocent posterity, upon a law made a posteriori. Let the mark be set on the door where the plague is, and then let him that will enter die. I know, Mr. Speaker, there is in parliament a double power of life and death, by bill, a judicial power, and a legislative: the measure of the one is, what is legally just; of the other, what is prudentially and politickly fit for the good and preservation of the whole: but these two, under favour, are not to be confounded in judgment. We must not piece up want of legality with matter of convenience; nor the defailance of prudential fitness, with a pretence of legal justice.—To condemn my lord of Strafford, judicially, as for Treason, my conscience is not assured that the matter will bear it. And to do it by the legislative power, my reason, consultively, cannot agree to that; since I am persuaded neither the lords nor the king will pass this bill; and, consequently, that our passing it will be a cause of great divisions and combustions in the state.—Therefore my humble advice is, That, laying aside this bill of Attainder, we may think of another, saving only life, such as may secure the state from my lord of Strafford, without endangering it as much by division concerning his punishment, as he hath endangered it by his practices. If this may not be hearkened unto, let me conclude in saying that to you all, which I have thoroughly inculcated in mine own conscience upon this occasion, Let every man lay his hand upon his own heart, and seriously consider what we are going to do with a breath, either justice or murder; justice on the one side, or murder heightened and aggravated to its supremest extent on the other: for, as the casuists say, He who lies with his sister commits incest; but he that marries his sister sins higher, by applying God's ordinance to his crime; so, doubtless, he that commits murder with the sword of justice, heightens that crime to the utmost.—The danger being so great, and the case so doubtful, that I see the best lawyers in diametrical opposition concerning it, let every man wipe his heart, as he does his eyes, when he would judge of a nice and subtil object. The eye, if it be prætincted with any colour, is vitiated in its discerning. Let us take heed of a blood-shotten eye in judgment. Let every man purge his heart clear of all passions. I know this great and wise body politic can have none; but I speak to individuals, from the weakness which I find in myself. Away with personal animosities; away with all flatteries to the people, in being the sharper against him, because he is odious to them; away with all fears of lest by the sparing his blood they may be incensed; away with all such considerations, as that it is not fit for a parliament, that one accused by it of Treason should escape with life. Let not former vehemence of any against him, nor fear from thence that he cannot be safe while that man lives, be an ingredient in the sentence of any one of us. Of all these corruptives of judgment, Mr. Speaker, I do, before God, discharge myself, to the utmost of my power; and do, with a clear conscience, wash my hands of this man's blood, by this solemn protestation, that my vote goes not to the taking of the earl of Strafford's life.'

The question being then put for passing the bill against the earl, it was carried in the affirmative, 204 against 59. Mr. Pym was ordered to carry this bill up to the lords, and to express to them, 'That it was a bill that highly concerned the commonwealth in the expediting of it.'

The foregoing speech of lord Digby gave such offence to the house, that a motion was made, "That the lord Digby explain himself for something he said here this afternoon, at the passing of the bill of Attainder of Thomas earl of Strafford, to-morrow morning." The next day the lord Digby did explain himself; but nothing farther was done in the business at that time; though, not long after, when this speech was printed, a heavy censure fell upon it.

April 28. Mr. Hyde was sent up to the lords, 'To acquaint their lordships that this house had received such information, as hath caused them to fear that the earl of Strafford may have a design to escape; that he has ships at sea at command; and that the guard about him is weak: therefore to desire their lordships he may be close confined, and his guard strengthened.' Mr. Hyde brought for Answer, 'That their lordships had before given directions to the lieutenant of the Tower, that he should be a close prisoner, and to take care for a strong guard; but that they would repeat their directions about it.'

April 29. This day was wholly taken up with hearing the point of law discussed, in Westminster-hall, relating to the earl of Strafford. And, on the next, the commons ordered 'That the solicitor should bring in a perfect Copy of his argument used on that occasion; and likewise that Mr. Pym give in copies of his speeches, made by him in Westminster-hall, both at the beginning and the latter end of the trial of the earl of Strafford.

The King's Speech in favour of the E. of Strafford.] May 1. The King came to the house of peers; and, being seated on the throne, he commanded the house of commons to be sent for, and then spoke to both houses as follows:

"My lords and gentlemen; I had not any intention to speak of this business, which causes me to come here to-day, which is the Impeachment of the earl of Strafford, because I would do nothing that might hinder your occasions; but now as it comes to pass, that, of necessity, I must have part in that Judgment, I think it most necessary for me to declare my conscience therein. I am sure you all know that I have been present at the hearing of this great business, from one end to the other; that which I have to declare unto you is shortly this, that, in my conscience, I cannot condemn

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him of High Treason.—It is not fit for me to argue the business: I am sure you will not expect it: a positive doctrine best becomes the mouth of a prince. Yet I must tell you three great truths, which I am sure nobody can know so well as myself: 1. That I never had any intention of bringing over the Irish Army into England, nor ever was advised by any body so to do. 2. There never was any debate before me, neither in public council, nor at private committee, of the disloyalty and disaffection of my English subjects; nor ever had I any suspicion of them. 3. I was never counselled by any to alter the least of any of the laws of England, much less to alter all the laws: nay, I must tell you this, I think nobody durst ever be so impudent as to move it to me; for if they had, I should have put such a mark upon them, and made them such an example, that all posterity should know my intention by it; for my intention was ever to govern according to law, and not otherwise.—I desire to be rightly understood: I told you, in my conscience, I cannot condemn him of High Treason; yet I cannot say I can clear him of Misdemeanor: therefore I hope that you may find a way, for to satisfy justice and your own fears, and not to press upon my conscience.—My lords, I hope you know what a tender thing conscience is. Yet I must declare unto you, that, to satisfy my people, I would do great matters: but, in this of conscience, no fear, no respect whatsoever, shall ever make me go against it. Certainly I have not so ill deserved of the parliament at this time, that they should press me in this tender point; and therefore I cannot expect that you will go about it.—Nay, I must confess, for matter of Misdemeanor, I am so clear in that, that though I will not chalk out the way, yet let me tell you, that I do think my lord Strafford is not fit, hereafter, either to serve me or the commonwealth in any place of trust; no not so much as that of a constable: therefore I leave it to you, my lords, to find some such way as to bring me out of this great strait, and keep yourselves and the kingdom from such inconveniences. Certainly he that, in his conscience, thinks him guilty of high Treason, may condemn him of Misdemeanor."

Great Tumults about Westminster Hall.] May 3. Both houses being adjourned to this day, on account of Sunday intervening, we are told by a Collector of these Times, "That, very early in the morning, there met, about Westminster-Hall, a great number of citizens, 5000, or thereabouts, being, for the most part, men of good fashion;* who, as the lords and parliament-men came by, made a lane for them to pass with their coaches, calling upon them for Justice against the earl of Strafford and others; complaining, that they were undone through the want of due execution thereof; and that trading was so decayed thereby, that they could scarce get bread to maintain their families." The lords, adds our author, "generally gave them good words; amongst whom, the lord high steward,* upon whom they called with greatest clamour, went out of his coach, some other of the lords being with him, and, with his hat in his hand, prayed them to be quiet, and what lay in his power should be done; and he would likewise move his majesty, that justice might be executed according to their requests: and accordingly, the lord high steward, and some other lords, went to the king, (who purposed to be at the house that morning, his barge waiting at the privy-stairs for that end, but, by reason of the tumult, did not come) and acquainted him with the citizens complaints and desires, moving his majesty therein: and, upon their return, certified the citizens, that his majesty had promised they should have speedy execution of justice to their desires."

Names of the Commoners who voted against the Earl of Strafford's Attainder posted up.] Dr. Nalson informs us, "That when the earl of Holland came out to take coach, they redoubled their cry; and, coming up to the earl of Bristol's coach, some of them told him, 'For you, my lord of Bristol, we know you are an apostate from the cause of Christ, and our mortal enemy; we do not therefore crave justice from you, but shall shortly crave justice upon you, and your false son the lord Digby." They also posted up the names of all those members who had voted for the earl, under the following title:

"These are the STRAFFORDIANS, Betrayers of their Country.

The Lord Digby	Sir Patricius Curwen
Lord Compton	Sir Richard Lee
Lord Buckhurst	Mr. Gervase Holles
Sir Thomas Fanshaw	Mr. Sydney Godolphin
Sir Robert Hatton	Mr. Cook
Sir Edward Alford	Mr. Coventry
Sir Nicholas Slanning	Mr. Kirton
Sir Henry Slingsby	Serjeant Hyde
Sir William Portman	Mr. Taylor
Sir Thomas Danby	Mr. W. Weston
Sir George Wentworth	Mr. Griffith
Sir Freder. Cornwallis	Mr. Scawen
Sir William Carnaby	Mr. Bridgman
Sir Richard Winn	Mr. Fettyplace
Sir Gervase Clifton	Dr. Turnor
Sir W. Widdrington	Mr. Pollard
Sir Peter Wentworth	Capt. Price
Sir William Pennyman	Mr. Trevanion
Sir John Strangeways	Mr. Jean

* Whitlocke calls them a rabble of about 6000 out of the city, who came thronging down to Westminster, armed with swords, cudgels, and staves; and imputes this tumult to the pulpits, from some of which had been preached to the people, the day before, 'the necessity of justice upon some great delinquents now to be acted.' Memorials, p. 34.

* The earl of Arundel, who was so appointed during the sickness of the lord keeper Littleton. Clarendon.

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Mr. Edgcumbe	Mr. R. Arundel
Mr. Ben. Weston	Mr. Newport
Mr. Selden	Mr. Holborn
Mr. Alford	Mr. Nowel
Mr. Lloyd	Mr. Chicheley
Mr. Herbert	Mr. Mallorey
Capt. Digby	Mr. Porter
Capt. Charles Price	Mr. White
Dr. Parry	Mr. Warwick.

Mr. Whitlocke tells us, "That this was complained of by some who were named in the List, as a high breach of the privilege of parliament; yet, being the act of a multitude, no redress was endeavoured."—Lord Clarendon says, "That these unheard-of acts of insolence and sedition continued so many days, till many lords grew so really apprehensive of having their brains beaten out, that they absented themselves from the house; and others, finding what seconds the house of commons was like to have to compass whatever they desired, changed their minds; and so, in an afternoon, when, of fourscore who had been present at the trial, there were only 46 lords in the house (the good people still crying at the door for Justice) they put the bill to the question, and, 11 lords only dissenting, it passed that house."*

The Commons resent the King's Speech in favour of the Earl.] The next thing we find remarkable, in the commons, is a Report of the King's last speech, given by the Speaker, at the command of the house; at which, Rushworth says, they seemed to be much troubled and discontented; and it was ordered, 'That Mr. Selden, Mr. Whitlocke, and Mr. Glynn, should immediately retire into the committee-chamber, to insert a clause in the Subsidy bill, 'That neither the passing of that bill, nor any other, should determine this Session of Parliament.' Lord Clarendon adds, "That the commons, in great passion and fury, declared this last act of his majesty to be the most unparalleled breach of privilege that had ever happened: that if his maj. might take notice what bills were passing in either house, and declare his own opinion, it was to forejudge their counsels, and they should not be able to supply the commonwealth with wholesome laws, suitable to the diseases it laboured under: that this was the greatest obstruction of justice that could be imagined: that they were bound to maintain the privileges of parliament; which were now too grossly invaded and violated: with many sharp discourses to that purpose."

May 7. The lord chief justice of the King's Bench delivered in to the lords, the unanimous Opinion of all the Judges present: "That they are of opinion, upon all which their lordships have voted to be proved, that the earl of Strafford doth deserve to undergo the pains and forfeitures of High Treason by law."

Bill of Attainder passed.] This day the Bill of Attainder passed the lords, without any amendment or alteration. Immediately upon this, a conference was desired by the commons; the substance whereof was, "That in regard the peace of the kingdom doth much consist in the dispatching of the bill of Attainder of Thomas earl of Strafford, to desire their lordships to move his majesty, as speedily as may be, to give his concurrence." Mr. Pym brought word back to the house, "That the lords would join with them to attend his majesty, according to his appointment, at 4 this afternoon, in the Banqueting-house, Whitehall." But the Answer the king then gave to both houses, was, "That he would be at the house of lords on Monday morning, at 10 o'clock, in order to give his assent to the two bills."

The King greatly perplexed as to giving his Assent thereto.] The king being much perplexed between the clamours of a discontented people and an unsatisfied conscience, Rushworth tells us, "That the day before, being Sunday, his majesty called his privy council at Whitehall, and proposed several scruples unto them, concerning this bill of Attainder. Some of the judges* and bishops were present also, to whom his majesty imparted his doubts and had their opinions therein. The arguments, pro and con, upon this very remarkable occasion, collected from the several Cotemporary Writs,† may, perhaps, be no disagreeable digression: the earl of Pembroke, lord chamberlain, told him, 'That should he deny this, it would be construed, that he loved his enemies, and hated his friends; and that if he did not speak comfortably to the people, they would desert him; which would be worse than all the evils that had befallen him in his life.' The bp. of London (Dr. Juxson) resolutely told him, 'That if he were not satisfied in his conscience, he ought not to do it whatsoever happened.' But the bishop of Lincoln (Dr. John Williams) endeavoured to persuade the king, 'That there was a private and a public conscience; that his public conscience as a king, might not only dispence with, but oblige him to do that which was against his private conscience as a man; and that the question was not, Whether he should save the earl of Strafford; but, Whether he should perish with him? That the conscience of a king to preserve his kingdom, the conscience of a husband to preserve his wife, the conscience of a father to preserve his children (all which were now in danger) weighed down abundantly all the considerations the conscience of a master, or a friend, could suggest to him for the preservation of a friend or servant.'

* Nalson and Whitlocke say, "There were 19 for the earl, and 26 against him; which agrees with the Lords Journals. The noble historian is very inaccurate in regard to the dates of parliamentary proceedings.

* The king complained of the judges, that, by their dubious answers, they only abused him, not eased him of his scruples.—Nalson, Vol. II. p. 192.

† Clarendon, Vol. I. p. 205.—Whitlocke' Memorials, p. 44.

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And by such unprelatical, ignominious arguments (says lord Clarendon) he, in plain terms, advised him, even for conscience sake, to pass that act.' He adds, 'Though this bishop acted his part with more prodigious boldness and impiety; others of the same function (for whose learning and sincerity the king and the world had greater reverence) did not what might have been expected from their calling or their trust.'—Mr. Whitlocke adds, That the chief motive was a Letter which the earl of Strafford sent to the king;* wherein we find the following remarkable passage, viz. "With much sadness, I am come to a resolution of that which I take to be best becoming me, to look upon that which is most principal in itself; which, doubtless, is the prosperity of your sacred person and the commonwealth, infinitely before any private man's interest: and therefore, in few words, as I did put myself wholly upon the honour and justice of my peers so clearly, as to beseech your maj. might please to have spared that declaration of yours on Saturday last, and entirely to have left me to their lordships; so now, to set your majesty's conscience at liberty, I do most humbly beseech your majesty, in prevention of mistakes which may happen by your refusal, to pass this bill; and, by this means, to remove (praised be God, I cannot say, this accursed, but I confess) this unfortunate thing forth out of the way, towards that blessed agreement, which God, I trust, shall ever establish between you and your subjects. Sir, my consent shall more acquit you herein to God, than all the world can do besides. To a willing man there is no injury done."

In fine, the king gave orders for a commission to impower the earl of Arundel, the lord privy seal, and other lords, to give the royal assent to the bill for the Execution of the earl of Strafford; as also to another bill, for the 'Continuance of the present parliament;' on which Mr. Whitlocke observes, "Great censures were past upon the king's passing these bills, the one being against his most faithful servant, and the other against himself; and that he should ever be brought to it, was admired by most of his subjects, as well as foreigners." He adds, "That when the earl read the news of the king's having passed the bill, (as not believing he would have done it) he rose up from his chair, lift up his eyes to heaven, laid his hand on his heart, and said, 'Put not your trust in princes, nor in the sons of men, for in them there is no salvation.'

May 10. In consequence of this commission, a message was sent from the lords to the commons, by the gentleman usher of the black rod, signifying, "That his majesty's assent to the bill of Attainder was then to be given, and that the king did expect the Speaker and the house of commons to come up.' After the commons were come, a commission was read, under the great seal, directed to the lord privy seal, the lord great chamberlain, and the lord steward, or any two of them, for giving the royal assent to two bills; the one entitled, 'An Act of Attainder of Thomas earl of Strafford, of High Treason;' the other, 'An Act to prevent Inconveniences which may happen by the untimely adjourning, proroguing, or dissolving of this present Parliament:' but before this commission was read, the lord privy seal declared to both houses, "That it was his maj.'s intent to have come himself, as this day, to give his assent, in person, to the two bills; but some important occasions had prevented him, and so he had sent a commission for that purpose."

The King's Letter to the Lords for respiting the Execution of the earl of Strafford.] May 11. The King sent a Letter, written with his own hand, to the house of lords, by his highness the prince; which was delivered to the lord keeper, and read in hæc verba:

"My lords; I did yesterday satisfy the justice of the kingdom, by passing the bill of Attainder against the earl of Strafford: but mercy being as inherent in, and inseparable from a king as justice, I desire, at this time, in some measure to shew that likewise, by suffering that unfortunate man to fulfil the natural course of his life in a close imprisonment; yet so that, if ever he make the least offer to escape, or offer directly, or indirectly to meddle in any sort of public business, especially with me, either by message or letter, it shall cost him his life, without further process. This, if it may be done without the discontentment of my people, will be an unspeakable contentment to me. To which end, as in the first place, I by this letter, do earnestly desire your approbation; and, to endear it the more, have chosen him to carry it, that of all your house is most dear to me: so I desire that, by a conference, you will endeavour to give the house of commons contentment; likewise assuring you, that the exercise of mercy is no more pleasing to me, than to see both houses of parliament consent, for my sake, that I should moderate the severity of the law in so important a case. I will not say that your complying with me, in this my intended mercy, shall make me more willing, but certainly it will make me more chearful, in granting your just Grievances: but, if no less than his life can satisfy my people, I must say, '*fiat justitia.* Thus, again, recommending the consideration of my intentions to you, I rest

Your unalterable and affectionate Friend,
Whitehall the 11th of May, 1641. CHARLES R.

"P. S. If he must die, it were charity to reprieve him till Saturday."

This letter having been read a second time, after serious consideration, the house resolved, "Presently to send 14 of the peers, messengers to the king, humbly to signify, that neither of the two intentions expressed in the letter, could, with duty in them, or without danger to himself, to his dearest consort the queen, and

* This Letter at large, is in Rushworth, &c.

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all the young princes, their children, possibly be complied with:" all which being done accordingly, and the reasons shewn to his majesty, he suffered no more words to come from them; but, out of the fulness of his heart to the observance of justice, and for the contentment of the people, told them, "That what he intended by his letter was with an IF, *if* it may be done without discontentment of my people; *if* that cannot be, I say again, the same that I writ, *fiat Justitia.* My other intention, proceeding out of charity for a few days respite, was upon certain information that his estate was so distracted, that it necessarily required some few days for settlement thereof." Whereunto the lords answered, "Their purpose was to be suitors to his majesty for favour to be shewn to his innocent children; and if himself had made any provision for them, that the same might hold." This was well liking to his maj. who thereupon parted from the lords. At his majesty's parting they offered up into his hands the Letter itself which he had sent; but he was pleased to say, "My Lords, What I have written to you, I shall be content it be registered by you in your house. In it you see my mind. I hope you will use it to my honour." Upon the return of the lords to their house, and the report of this made, it was ordered, "That if any copies of the king's Letter were desired, the foregoing lines, which were the consequence of the letter, should be added to it."

The same day the lords came to a resolution, to be suitors to his majesty in behalf of the son, daughters and lady of the earl of Strafford; that in case there be no provision made for them by the said earl, to present them to the king's goodness, and that he will be pleased to take them into his mercy and consideration: likewise to desire his majesty, That the creditors of the said earl, and those that have petitions depending in this house for reparations from him, for which there is a provision, or order, made in this house, may be taken into his majesty's consideration.

May 12. This day, at noon, the earl of Strafford was beheaded on Tower-hill. "His discourse on the scaffold," says Hume, "was full of decency and courage, 'He feared,' he said, 'that the omen was bad for the intended Reformation of the State; that it commenced with the shedding of innocent blood.' Having bid a last adieu to his brother and friends who attended him, and having sent a blessing to his nearer relations who were absent, 'and now,' said he, 'I have nigh done! One stroke will make my wife a widow, my dear children fatherless, deprive my poor servants of their indulgent master, and separate me from my affectionate brother and all my friends! But let God be to you and them all in all." Going to disrobe, and prepare himself for the block, 'I thank God,' said he, 'that I am nowise afraid of death nor am daunted with any terrors; but do as chearfully lay down my head at this time, as ever I did when going to repose!' With one blow was a period put to his life by the executioner."

The Proceedings against Mr. Burton reversed with Damages.] March 24. The commons resolved, 1. "That the sentence in the Star-Chamber against Mr. Burton, is illegal, and without any just ground, and ought to be reversed, and he to be freed from the fine of 5000*l.* and imprisonment by that sentence. 2. That he ought to be restored to his degrees taken in the university, orders in the ministry, and to his benefice in Friday-street London. 3. That the order of the council-board for transferring him from the castle of Lancaster to the isle of Guernsey, and his imprisonment there, is against the law, and liberty of the subject. 4. That he ought to have reparations and recompences for the Damages sustained by his said imprisonment, loss of his ears, exile, and other evils sustained by the said unjust and illegal proceedings."

March 30. A bill for reforming the unlawful acts and proceedings of the Privy Council, and the court called the Star-Chamber, was brought into the house of commons, and read a first time: also a bill to restrain Bishops, and others in Holy orders, from meddling with Secular Affairs.

The Earl of Holland appointed to disband the Armies.] April 15. At a conference of both houses about the Satisfying and Dissolving of the three Armies, which were suddenly to be disbanded, the e. of Holland declared, 'That his majesty had been pleased to nominate him as general for that purpose; upon which he spake very learnedly in the way of all acknowledgment of so great a favour cast upon him, many of that honourable assembly being more deserving, as he said, and more capable than himself; nevertheless accounted himself very happy to be made an instrument of so much good, for the quiet and peace of the kingdom; and that his greatest care should be to perform the said trust faithfully, and in duty to the king, and the good of his country.†

Resolutions in favour of Mr. Prynne, and Dr. Leighton.] April 20. Mr. Rigby reported from the committee, to whose consideration it was referred, the Case of Mr. Wm. Prynne, of Lincoln's-Inn: whereupon the commons resolved, 1. "That the Sentence given against him in the Star-Chamber, Feb. 17. Anno 9. Car. is illegal, and given without just cause, and ought to be reversed; and that he ought to be discharged of the fine of 5000*l.* imposed by the said Sentence, and of all extents thereupon, and of his imprisonment decreed by that sentence. 2. That he ought to be restored to his degrees in the university of Oxford, and to the society of Lincoln's-Inn, and to the exercise of his profession of an utter barrister at law, and to his chamber again in Lincoln's-Inn. 3. That he ought to have reparation for such damages and prejudice, as he hath sustained by the said Sentence and Proceedings. 4. That

† Diurnal Occurrences, p. 80.

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the Sentence given against him in the Star-Chamber, 14 Junii, 1637, Anno 13. Car. is illegal, and given without any just cause or ground, and therefore ought to be reversed; and that he ought to be discharged of the fine and imprisonment thereby decreed; and that he ought to have reparation and recompence for the damages sustained by that sentence and the execution thereof. 5. That the warrant, dated 27 Aug. Anno 13. Caroli, made for transporting of him from Carnarvon castle to the isle of Jersey, and his imprisonment there, and other restraints therein mentioned, are against the law and liberty of the subject; and that he ought to be discharged of that imprisonment, and to have reparations for the damages sustained thereby. 6. That his imprisonment, by warrant, dated Feb. 1, 1632, under the hands of Thomas lord Coventry, lord keeper of the great seal of England, Rd. lord abp. of York, Henry earl of Manchester, Edw. earl of Dorset, Henry lord viscount Falkland, Wm. lord bishop of London, Edw. lord Newburgh, and sir Tho. Jermyn, is unjust and illegal; and that they ought to give him satisfaction for the damages sustained by his imprisonment. It was also ordered, "That a Charge be drawn up against Dr. Heylin, touching his promoting his suit in the Star-Chamber against Mr. Prynne."

The next day Mr. Rouse reported the Case of Dr. Leighton; when the house came to the following Resolutions: 1. That the attaching, imprisoning, and detaining Dr. Leighton in prison, by warrant from the high commissioners, is illegal. 2. That the breaking open his house, and taking away his papers by Edmund Wright, then sheriff of London, and now lord mayor, is illegal. 3. That the said Edm. Wright ought to give reparations to him for his damages sustained by the breaking open his house, and taking away his papers, and other goods as aforesaid. 4. That the abp. of Canterbury, then bishop of London, ought to give satisfaction to him for his damages, sustained by 15 weeks imprisonment in Newgate, upon the said bishop's warrant. 5. That the great fine of 10,000*l.* laid upon him by a sentence in the Star-Chamber, is illegal. 6. That the sentence of corporal punishment imposed upon him, the whipping, branding, slitting his nose, cutting off his ears, setting in the pillory, and the execution thereof and imprisonment thereupon, are illegal. 7. That he ought to be freed from the great fine of 10,000*l.* and from the sentence of perpetual imprisonment; and to have his bonds delivered up, which he entered into for his true imprisonment. 8. That he ought to have good satisfaction and reparation for his great sufferings and damages, sustained by the illegal sentences in the Star-Chamber."

Order for Divine Service to be performed according to Law.] April 22. Upon an Information to the house of lords, That some disorders have lately happened in several churches within the county Palatine and city of Chester, whereby the Divine Service hath been disturbed, or otherwise neglected and disquieted; it is therefore thought fit and ordered, "That the Divine Service be performed as it is appointed by the acts of parliament of this realm; and all such as shall disturb this wholesome order, shall be severely punished according to the laws; and the parsons, vicars, and curates, in several parishes, shall forbear to introduce any rites or ceremonies that may give offence, otherwise than those which are established by the laws of the land."

Resolution against the Court at York.] April 24. A committee of the commons having been appointed to inquire into the legality and proceedings of the High Commission-Court at York; this day Mr. Hyde, (afterwards earl of Clarendon,) reported the case of it to the house; when it was resolved; 1. "That the Commission and Instructions, whereby the President and Council in the North exercise jurisdiction, is illegal, both in the creation and execution. 2. That the court of the president and council in the North, is unprofitable to his majesty. 3. That the said court is inconvenient and grievous to his majesty's subjects in those parts."

Petition from the Citizens of London concerning Grievances, &c.] This day the following Petition from divers Citizens of London (subscribed, as Rushworth says, by 20,000 persons of good rank and quality) was presented to both houses, and was as follows:

"To the Most honourable assembly of the lords and commons in this parliament assembled, The HUMBLE PETITION of divers Citizens of London,

"Sheweth, That notwithstanding his mamnjesty's gracious Answer to the humble Petition of his loyal subjects, in summoning this parl. with the great care and endeavoured pains taken by both houses, for the removing the heavy Grievances in Church and Commonwealth; whereof the petitioners have already received some fruit, for which they desire to return their most humble and utmost thanks: yet, nevertheless, they are enforced, with all humility, to represent to this most honourable assembly, some of those obstructions which do still hinder that freedom and fullness of Trade in this city which they formerly had, and without which, considering the numerous multitudes thereupon depending, they conceive this city cannot comfortably subsist.—As the unsettled Condition of the Kingdom, ever since the Troubles in Scotland, hath caused both strangers, and also some of our own, who did furnish great sums of money to use, to call it in; and remit much of it, by exchange, into foreign parts, who stand now in expectation of what the issue of the thing may be.—The stopping Money in the Mint; which, till then, was accounted the safest place, and surest staple in these parts of the world, still doth hinder the importation of bullion; the Scots now disabled to pay such debts as they owe to the petitioners

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and others in the city; and, by reason of the oppressions exercised in Ireland, their debts also are detained there. The English Trade, by reason of our general distractions and fears, is so much decayed, that country tradesmen cannot pay their debts in London as formerly. —The great sums of Money unduly taken by his majesty's officers and farmers, for impositions upon Merchandize exported and imported, and the want of relief in Courts of Justice against them. The drawing out from the city great sums of money (which is the life and spirit of trade) for his majesty's service in the North; and being there employed, is not yet returned.—Besides all which, from what strong and secret opposition the petitioners know not, they have not received what so much time and pains might give them cause to hope; but still incendiaries of the kingdom, and other notorious offenders, remain unpunished: the Affairs of the Church, notwithstanding many petitions concerning it, and long debates about it, remain unsettled: the Papists still armed; the laws against them not executed; some of the most active of them still at court; Priests and Jesuits not yet banished; the Irish Popish Army not yet disbanded; courts of justice not yet reformed; and the earl of Strafford, (who, as now appears, hath counselled the plundering of this city, and putting it to fine and ransom, and said, 'It never would be well till some of 'the aldermen were hanged up,' because they would not yield to illegal levies of money) hath so drawn out and spent time in his business, to the very great expence and charge of the whole kingdom, and his endeavour to obtain yet more time: all which makes us fear there may be practices now in hand to hinder the birth of your great endeavours; and that we lie under some more dangerous plot than we can discover.—All which premisses, with the fears and distractions growing therefrom, and from things of the like nature, the petitioners humbly offer to the most grave consideration of this most honourable assembly; as being the true causes of Decay of Trade, Discouragement of Tradesmen, and of the great Scarcity of Money, with other ill consequences they labour under; and do humbly pray, that their said Grievances may be redressed; the causes of their fears removed; justice executed upon the said earl, and other incendiaries and offenders; and the rather, in regard, till then, the petitioners humbly conceive, neither religion, nor their lives, liberties, or estates, can be secured. And, as in duty bound, they shall ever pray."

This Petition being read, after some debate thereon, the lord Russel, son to the earl of Bedford, was sent by the commons with a message, to desire a conference, by a committee, of both houses thereupon: and it was resolved, to renew their request to the lords to join with them in another Petition to the King, concerning disbanding the Irish army, disarming Recusants, and removing Papists from Court.

Mr. Hyde's Speech against the Court of York.] April 26. The lord Falkland was sent up with a message to the lords, to desire a conference. The heads of this conference, to be managed by Mr. Hyde, were concerning the Court of the President and council of the North; upon which occasion.

Mr. *Hyde* delivered himself as follows:*— "My Lords; I am commanded, by the knights, citizens, and burgesses of the house of commons, to present to your lordships a great and crying Grievance; which, though it be complained of, in the present pressures, but by the Northern parts, yet, by the consequence of it, is the grievance of the whole kingdom: the Court of the President and Council of the North, or, as it is more usually called, the Court of York; which, by the spirit and ambition of the ministers trusted there, or by the natural inclinations of courts to enlarge their own power and jurisdiction, hath so prodigiously broken down the banks of its first channel, in which it ran; that it hath almost overwhelmed that country under the sea of arbitrary power, and involved the people in a labyrinth of distemper, oppression, and poverty.—Your lordships will give me leave (not presuming to inform your great understandings; but that you may know what moved the house of commons to their Resolutions) to remind your lordships of the foundation and erecting of this Court, and of the progress and growth of it.—Your lordships well know, that, upon the suppression of all Religious Houses to such a certain value, in the 27th Hen. 8. from that time to the 30th of that king's reign, many, not not fewer than six, insurrections and rebellions were made in the Northern parts, under pretence of that quarrel; most of them under the command of some eminent person of that country; the which being quieted before the end of the 31st year, that great king (well knowing his own mind, and what he meant to do with the great Houses of Religion in the year following) for the prevention of any inconvenience that might ensue to him upon such distemper, did, in the 31st year of his reign, grant a Commission to the bishop of Llandaff,† the first president, and others, for the quiet government of the counties of York, Northumberland, Cumberland, and Westmoreland, the bishoprick of Durham, the county of the city of York, and towns of Kingston upon Hull, and Newcastle upon Tyne. But, my lords, this Commission was no other than a commission of Oyer and Terminer; only it had a clause, at the end of it, for the hearing of all causes real and personal 'quando ambæ partes vel altera pars sic gravata Paupertate fuerit, quod commode jus suum, secundum legem regni nostri, aliter persequi non possit;' which clause, how illegal soever, (for that it is illegal

* Taken from a Manuscript in the Harleian Library.

† Robert Holgate, translated to York in 1545. He was deprived by queen Mary, An. Reg. 1.

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and void in law little doubt can be made) yet whether they exercised that part of the commission at all, or so sparingly exercised it, that poor people found ease and benefit by it, I know not; but, at that time, I find no complaint against it. 'Till the coming in of king James the commission continued still the same; and that, in the first year of his reign, to the lord Sheffield, varied no otherwise from the former, save only that it had reference to Instructions which should be sent; though whether any new ones were sent or not is uncertain, but we can find none.—In June, in the 7th year of the reign of king James, a new commission was granted to the same person, the lord Sheffield, very different from all that went before; it being left out, that they should inquire 'per Sacramentum bonorum, & legalium hominum,' and to hear and determine 'secundum leges Angliæ; relation being had, only, to the Instructions; which were the first Instructions we can find were sent thither. Though I told your lordships there was mention of some Anno 1 Jac. I shall not trouble your lordships with these Instructions, nor with the other that followed in 7 Jac. to the lord Sheffield; nor in 16 Jac. when a new commission was granted to my lord Sunderland; nor, indeed, with any till we come to these present Instructions and Commissions, under which that part of the kingdom groans and languisheth.—My lord Strafford came to that government in Dec. 4 Caroli; and since then the commission hath been three several times renewed; in the 5th year, in March; in the 8th, in Nov.; and in the 13th year of his majesty's reign. A new clause was screwed into the commissions of the 8th and 13th, for granting, sequestering, and establishing possessions according to certain Instructions; which crowded in a mass of new, exorbitant and intolerable power. Though our complaint be against this Commission itself, and against the whole body of those Instructions, I shall not mispend your lordships precious time in desiring to have the whole read; but shall presume to trouble your lordships only with 5 or 6 of the Instructions; that, by the vast irregularity of these, your lordships may judge how insupportable the whole burthen is. I shall not trouble your lordships with the 9th Instruction, though it be but short, which introduceth that 'miseram servitutem, ubi jus est vagum, & incognitum;' by requiring an obedience to such ordinances and determinations, as be, or shall be, made by the council-table or high commission-court. A grievance, my lords, (howsoever 'Consuetudo & peccantium claritas nobilitaverit hanc culpam') of so transcendent a nature, that your lordships noble justice will provide a remedy for it; with no less care, I doubt not, than you would rescue the life-blood of the commonwealth.—Read only the 19th, 22d, 23d, 24th, 29th, and 30th: I will not trouble your lordships with reading more; there being among them, in the whole, 58 Instructions, scarce one that is not against, or beside, the law. Whether his majesty may canton out a part of his kingdom to be tried by commission, though according to the rules of law, (since the whole kingdom is under the laws and government of the courts established at Westminster, and that, by this reason, the several parts of the kingdom may be deprived of that privilege) will not now be the question. That his maj. cannot, by commission; erect a new court of Chancery, or a proceeding according to the rules of the Star-Chamber, is most clear to all who have read Magna Charta; which allows no proceedings, 'nisi per legale judicium plarium, & per legem terræ:' for our court of Chancery here, by long usage and prescription, is grown to be, as it were, lex terræ. But, my lords, the 30th Instruction goes further, and erects such an empire, such a dominion, as shall be liable to no controul.—The courts of Westminster, my lords, have superintendencies over all inferior courts, to regulate their jurisdictions, if they exeed their limits; as, to hold pleas of greater value, or the like, in the exercise of their jurisdiction. The judges are sworn to grant and send prohibitions in this case: and to stop the granting of these prohibitions, or to neglect them when they are granted, is the greatest and noblest scorn of the law and the law-makers, that can be imagined.—The king's courts at Westminster have been, always, of that awful and reverent esteem with inferior judges, that the instances of such contempts against them are very rare; and very exemplary are the punishments of this offence. The bishop of Norwich, in Trinity term, in the 20th Edw. 3. in Rot. 289, in the Common-Pleas; and, in Hiliary term 21. in the King's-Bench was attached for disobeying a Prohibition at the suit of Stracil. Upon full and solemn discussion of the whole matter, the court resolved, That the proceedings of the bishop were 'Inobedientiam, diminutionem Domini Regis & potestatis Regiæ, authoritatis suæ rejectionem, & coronæ suæ exhereditationem manifestam, &c.' as the words of the record are: and therefore adjudged the temporalities of the bishop to be seized into the king's hands, and great, very great, damages to be paid to the plaintiffs. And whosoever gave directions for these stout Instructions might have remembered, that no longer since than 7 Eliz. rot. 31. an attachment was granted against the abp. of York, then President of that council, for forbidding the goaler of York to deliver one Lambert his prisoner, who was sent for by a Habeas Corpus from the King's Bench. And if they would have believed the Resolution of all the Judges in England, in Trinity Term, in the 6th of king James, they would have known how unfit it had been to enlarge that jurisdiction; since most of their proceedings, being of an inferior nature to what they are now grown, were then declared to be illegal, and inconsistent with the liberty of the subject.—And can such a Court as this, my lords, deserve to live? What a compendious abridgment hath York gotten of all the courts in Westminster-

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hall? Whatsoever falls within the cognizance, or jurisdiction, of any court there, is compleatly determinable within that one court at York; besides the power it hath with the ecclesiastical and high commission courts.—What have the good Northern people done, that they, only, must be disfranchised of all their privileges granted by Magna Charta and the Petition of Right? For to what purpose serve these statutes, if they may be fined and imprisoned without law, according to the discretion of the commissioners? What have they done, that they, and they alone, of all the people of this happy island, must be disinherited of their birth-right, of their inheritance? For Prohibitions, writs of Habeas Corpus, and writs of Error, are the birth-right, the inheritance of the subjects.—And 'tis here worth your lordships' observation, that to those many Prohibitions, which have been formerly granted from above, (for, till of late, the Court of York had not the courage to oppose Prohibitions; nor indeed, till our courts here had not the courage to grant them) it was never known that the Court of York pleaded the jurisdiction of their council. This, without doubt, they would have done, having the advantage of many great persons, under whose protection they have always been screened, had they not known that the law could not be misinterpreted enough to allow it.—Your lordships remember the directions I mentioned of Magna Charta, That all proceedings shall be 'per legale judicium parium, & per legem terræ:' now these Instructions tell you 'You shall proceed according to your discretion;' that is, you shall do what you please: only, that we may not suspect this discretion will be gentler and kinder to us than the law, special provision is made, That no fine, no punishment, shall be less than by the law is appointed; no, by no means; but as much greater as your discretion shall think fit: and, indeed, in this improvement, we find arbitrary courts are very pregnant; for if the law requires my good behaviour, this discretion makes me close prisoner; if the law sets me upon the pillory, this discretion appoints me to leave my ears there.—But this proceeding, according to discretion, is no new expression; it was in the first commission I told your lordships of in the 31 Hen. 8. That they should proceed, 'secundum legem & consuetudinem regni Angliæ; vel aliter, secundum sanas discretiones vestras;' which, in the interpretation of the law, and that is the best interpretation, signifies the same thing: for to proceed according to discretion, is to proceed according to law, which is 'summa discretio;' but not according to their private conceit or affection: for 'talis discretio,' says the law, 'discretionem confundit;' and such a confusion hath this discretion, in these instructions, produced, as if discretion were only one remove from rage and fury; no inconvenience, no mischief, no disgrace, that the malice, or insolence, or curiosity of these commissioners had a mind to bring upon that people, but, through the latitude and power of this discretion, the poor people have felt. This discretion hath been the quick-sand, which hath swallowed up their property, their liberty. I beseech your lordships rescue them from this discretion.—Besides the charge that this Court is to his majesty, which is near 1300*l.* per ann. you will easily guess what an unsupportable burthen the many officers (whose places are of great value) the attornies, clerks, registers, and above 1000 solicitors that attend the courts, must be to that people; insomuch that, in truth, the country seems to be divided into officers and dependents upon that court, and the people upon whom the officers of that court prey and commit rapines; as is said in Petronius, 'Omnes hic aut captantur, aut captant; aut cadavera quæ lacerantur, aut corvi qui lacerant.' Truly, my lords, these vexed, worn-out people of the North are not suitors to your lordships, to regulate this court; or to reform the Judges of it, but for extirpating these Judges, and the utter abolishing of this court: they are of Cato's mind, who would not submit to Cæsar for his life, saying, 'He would not be beholden to a tyrant for injustice, for it was injustice in him to take upon him to save a man's life, over whom he had no power.' So these gentlemen desire not to be beholden to this court, hereafter, for justice; the very administration of justice itself, founded upon such illegal principles, being a grievance and oppression to the subject. 1st. Upon the whole matter, the house of commons are of opinion, That the Commission and Instructions, whereby the President and Council of the North exercise jurisdiction, is illegal, both in the creation and execution. 2d. That it is unprofitable to his majesty; for besides so much, near 1300*l.* taken out of his majesty's revenues every year; his majesty loseth the great benefit which would accrue to him upon writs and upon fines, upon out-laws, and other profits, which redound to his maj. out of his courts here: and (which I had almost forgot to tell your lordships of) that his maj. may be sure to have no benefit from this Court, notable care is taken, by the 53d Instruction, That if any money remain over and above all disbursements, it shall be bestowed in providing household-stuff and furniture for the house, where the lord president and council use to be. Lastly, That it is inconvenient and grievous to his majesty's subjects in these parts.—Therefore, they are humble suitors to your lordships, and the house of commons, on this behalf, That since this people do, and have, in all matters of duty and affection, contended with the best of his majesty's subjects, that they may not be distinguished from them in the manner of his majesty's justice and protection: and since this Court, originally instituted, and continued by his maj. for the ease and benefit of his poorer subjects, is apparently perverted to the burthen and discomfort of them; that your lordships will join with the house of commons in beseeching his majesty, That the pre-

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sent Commission may be revoked, and no more such granted for the future.'

Lord Clarendon tells us, "That this speech and argument of Mr. Hyde's (for when he speaks of himself he always does it in the third person) met with good approbation in both houses; where he got great credit by it: and that the house of peers fully concurred with the commons in their vote. So that there was not, in many years after, any attempt, or so much as mention of another Commission."

Mr. Gervaise Hollis's Speech against the Treaty with the Scots.] This day great offence was taken by the commons, at words spoken by Mr. Gervaise Hollis, in a speech concerning the Scots Propositions; 'That 'some of them were dishonourable; and that 'this house had not only entertained them 'half-way, but had embraced them.' Mr. Hollis was first heard to explain himself, and then commanded to withdraw. The speech was as follows:—'Mr. Speaker; I have with much difficulty, persuaded myself to offer any thing. My stock is little to this reckoning; yet, since I have adventured to rise, I shall take the liberty, with your favours, to deliver myself freely. I have a blunt way in speaking my heart. It may be, peradventure, a folly in me; but it is a folly I love so well I will not part with it.—Sir, we are now upon the 5th Article of the Scots; which, as it was expressed by a noble lord at the conference, is a very pregnant and teeming Article: it hath produced many other; and they such as I must confess and affirm, whatsoever fucus or artifice they be slighted over with, I do not like their countenance: they may well be our younger brother of Scotland; but, like Jacob, they seem to me as if they had an aim to supplant us, and take away our birth-right.—Sir, there is no man that hath a more charitable construction of intentions than I had, whilst they made their addresses in humble distance, as befitted subjects to their sovereign. Whilst they bounded their desires within the due limits of their antient liberties, and seemed to wish nothing but the just freedom of subjects and christians in their laws and consciences, my heart went along with them, and I wished them satisfaction: but now, sir, when I see them swell in their demands beyond all proportion; when I hear them enlarge upon their first propositions, and require things unfit for a king to grant, and dishonourable for this nation to suffer, I cannot but fix a mark of danger upon them. I fear we have nourished in our bosoms those that will sting us to death.'—[Here being interrupted, yet the house commanding him to go on, he proceeded:]—'Sir, I am sorry for this interruption; much more sorry if I have given a cause for it, for the clearness of my own thoughts acquit me. I brought no intentions here but such as were full of fidelity and zeal for the service of this house and my country, and shall always do so: and now, if you please to command me to express myself like an Englishman, and an honest man, I shall proceed; otherwise I shall testify my obedience by my silence.'—[Then he was commanded to proceed, which he did as followeth:]—'The miseries and calamities which this poor kingdom hath thus long suffered, have hung like weights upon my soul, and I have groaned under the oppression; for it was a great one: but these, as they call them, Propositions, I must call them Commands; and I fear they will prove so. They threaten yet more; it is to unman us quite, and leave us in a condition of all others the most despicable: for these appear to me like the demands of Naash to the men of Jabesh, putting out our right eyes.—Sir, our ancestors have not been acquainted with so much tameness, as to hear of such demands at a distance; and it cannot but trouble me, that we should not only meet them at the half-way, but embrace the bearers.—Sir, we are the offspring of those ancestors; their blood runs in our veins, and I hope, as yet, it is not all turned to water. There are spirits of life and activity in us, and these will revive and speak plain English to us, whatever damp or apoplexy this spirit of slumber hath cast upon us; and I hope we shall either yet live with honour, or take our honourable farewell, and so be honest and gallant men: betwixt these two there is not much difference.—Therefore, sir, my humble motion is this, That such of the Propositions may be committed to a select committee to consider of, as carry reason and modesty with them; that such may be presented here as are fitting to be granted, and that those which are of another insinuation may be rejected: and if a firm peace may be had upon honest and honourable terms, I will cherish the thoughts of it; if not, there are but two ways left worthy the entertainment of this nation; that is, to stand or fall with honour. God, I hope, and our English virtues, will secure the first; if otherwise, he is neither worthy of life nor memory, that shall not bury himself in the ruins of his country.'

Mr. Hollis being withdrawn, it was resolved, 1. "That Mr. Gervaise Hollis shall be called to the bar, for the offence he hath given this house, by words spoken by him this day. 2. That the said Mr. Hollis shall be forthwith suspended this house, during this session of parliament." He was, accordingly, called to the bar, and there kneeling, the Speaker pronounced the Sentence upon him.

A Bill for fining the Members of the late Convocation.] April 27. The commons resuming the consideration of their former votes concerning the Convocation, and the Canons made by them, which the house had declared to be against the right of parliament and property of the subject, ordered a bill to be brought in 'For punishing and fining of the Members of the late Convocation of the Provinces of Canterbury and York;' which was this day read a 2nd time, and committed. No notice is taken of the report of this committee in their Journals; but Rushworth in-

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forms us, 'That when the committee met upon the same, they passed several votes as to fines to be imposed upon them.' He then proceeds to give a list of the members of the Convocation, with the respective sums assessed; but there being a great number of blanks therein, we think it sufficient to take notice of the principal dignitaries only; they were the abp. of Canterbury, 20,000*l.* the bps. of London and Ely, 10,000*l.* each; Bath and Wells, Worcester, Litchfield and Coventry, Salisbury, Norwich, Chichester, 5000*l.* each; Hereford and St. David's, 3000*l.* each; Gloucester, 2000*l.* Peterborough, Bristol, Oxford, Bangor, and Llandaff, 1000*l.* each: the dean of Exeter, 2000*l.* of Canterbury, Winchester, Worcester, Salisbury, Bath and Wells, Christ-Church Oxford, Hereford, Ely, Chichester, Lincoln, Westminster, and Windsor, 1000*l.* each; Gloucester, Norwich, Bristol, Rochester, Peterborough, St. David's, Bangor, and St. Asaph, 500*l.* each. All the bishops of the province of York are omitted; as are the deans also, except Durham, who was fined 2000*l.*

The King's Answer to the Petition against Recusants, &c.] April 30. The Speaker of the house of commons reported the king's speech to both houses in Whitehall, on presenting the Petition against Recusants, &c. viz.

"My lords and gentlemen; Having considered your three desires, I give you this short and clear answer: 1. Concerning the Removal of Papists from court: I am confident you know very well what legal trust the crown hath in this particular: therefore I shall only need to assure you, that I shall govern it so, that there shall be no just cause of Scandal. 2. I am contented that the Papists be disarmed according to law. 3. For the Irish Army; you must understand that I am already upon the disbanding of them; but find many difficulties in the way of doing it: therefore it is not only requisite to wish it, but to shew the way how it shall be done; therefore, in this, I shall not be unwilling to have your advice and assistance. But this is not all that I desire; for I do wish that the same peace and tranquility be restored in my dominions, which my father, of happy memory, left me: and, to that end, I desire you, according to that duty which you owe to God and your country, that you concur with me for the speedy disbanding of the two other Armies that are in England; to which end there are two things necessary, Money, and the conclusion of the Scots Treaty. I am sure you are masters of the one, and, with me, you are judges of the other; this being a fitting time for me to put you in mind of it, because you have now all the Treaty before you; assuring you, that none of you shall shew more industry and willingness, for the settling of all things, in a peaceable way, than myself."

Bp. Hall's Speech against the Bill for restraining Bishops, &c. from intermeddling with Secular Affairs.] May 1. A bill, 'To restrain Bishops, and others in Holy Orders, from intermeddling with Secular Affairs,' passed the commons, and was sent up to the lords; where it was read a first time. Upon this occasion,

The Bishop of *Exeter*, (Dr. Joseph Hall,) spoke as follows:* 'My Lords; This is the strangest bill that ever I heard since I was admitted to sit under this roof; for it strikes at the very fabrick and composition of this house, at the stile of all laws; and therefore were it not for that it comes from such a recommendation, it would not, I suppose, undergo any long consideration; but coming to us from such hands, it cannot but be worthy of your best thoughts: and truly, for the main scope of the bill, I shall yield to it most willingly, 'That Ecclesiastical and Sacred persons should not ordinarily be taken up with Secular Affairs.' The minister is called *vir Dei*, a man of God: He may not be *vir Sæculi*; he may lend himself to them upon occasion, but not give himself over purposely to them: in short, he may not so attend worldly things, as that he do neglect divine things: this we gladly yield. Matters of justice therefore are not proper, as an ordinary trade, for our function; and, by my consent, shall be, in general, waved and deserted; which, for my part, I never had meddled with but in a charitable way, with no profit, but some charge, to myself; whereof I shall be glad to be eased:

—— 'Tractent fabrilia Fabri.'

But for any man hence to infer, that some spiritual person may not, occasionally, be in a special service of his king or country; and, when he is so required by his prince, give his advice in the urgent affairs of the kingdom (which, I suppose, is the main point driven at) is such an inconsequence, as, I dare boldly say, cannot be made good, either by divinity or reason, by the laws either of God or man; whereas the contrary may be proved and enforced by both.—As for the grounds of this bill, 'That the minister's duty is so great, that it is able to take up the whole man; and the Apostle saith, 'tis ἱκανος, 'Who is sufficient for these things?' And that he who warfares to God, should not entangle himself with this world; it is a sufficient and just conviction of those who would divide themselves betwixt God and the world, and bestow the main part of their time upon secular affairs: but it hath no operation at all upon this tenet which we have in hand, That a man, dedicated to God, may not so much as, when he is required, cast a glance of his eye, or some minutes of time, or some motions of his tongue, upon the public business of his king and country.—Those that expect this from us, may as well, and upon the same reason, hold, That a minister must have no family at all; or, if he have one, must not care for it; yea, that he must have no body to tend, but be all spirit. My lords, we are men of the same composition with others, and our breeding hath been accord-

* From the edition of his works, fol. 1633.

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ingly; we cannot have lived in the world, but we have seen it, and observed it too; and our long experience and conversation, both with men and books, cannot but have put something into us for the good of others: and now having a double capacity, 'quasi cives, quasi ecclesiastici,' as members of the commonwealth, as ministers and governors of the church, we are ready to do our best service in both: one of them is no way incompatible with the other; yea, the subjects of them both are so united with the church and commonwealth, that they cannot be severed; yea so, as that not the one is in the other, but one is the other, is both: so as the services which we do, upon these occasions, to the commonwealth, are inseparable from our good offices to the church: so as, upon this ground, there is no reason of our exclusion.—If ye say, That our sitting in parliament takes up much time which we might have employed in our studies or pulpits; consider, I beseech you, that whilst you have a parliament, we must have a convocation; and that our attendance upon that will call for the same expence of time, which we afford to this service; so as, herein, we have neither got nor lost. But I fear it is not, on some hands, the tender regard of the full scope to our calling that is so much here stood upon, as the conceit of too much honour that is done us, in taking up the room of peers, and voting in this high court; for surely those that are averse from our votes, yet could be content we should have place upon the Woolsacks, and could allow us ears, but not tongues. If this be the matter, I beseech your lordships to consider that this honour is not done to us, but to our profession; which, whatever we be in our several persons, cannot easily be capable of too much respect from your lordships, 'Non tibi sed Isidi:'—Neither is this any new grace that is put upon our calling, (which, if it were now to begin, might perhaps be justly grudged to our personal unworthiness) but is an antient right and inheritance, inherent in our station; no less antient than these walls wherein we sit; yea, more.—Before ever there were parliaments, in the Magna Concilia of the kingdom we had our places; and as for my predecessors, ever since the Conqueror's time, I can shew your lordships a just catalogue of them that have sat before me here; and truly, though I have just cause to be mean in my own eyes, yet why, or wherein, there should be more unworthiness in me than the rest, that I should be stripped of that privilege which they so long enjoyed though there were no law to hold me here, I cannot see, or confess.—What respects of honour have been put upon the prime clergy of old, both by Pagans and Jews, and Christians, and what are still, both within Christendom and without, I shall not need to urge; it is enough to say, This of ours is not merely arbitrary; but stands so firmly established by law and custom, that I hope it neither will, nor can be removed, except you will shake those foundations, which, I believe, you desire to hold firm and inviolable.—In short then, my lords, the church craves no new honour from you, and justly hopes you will not be guilty of pulling down the old: as you are the eldest sons, and, next under his majesty, the honourable patrons of the church, so she expects and beseeches you to receive her into your tenderest care; so to order her affairs, that ye leave her to posterity in no worse case than you found her. It is a true word of Damascus, 'Uti vilescit nomen episcopi, omnis statua perturbatur ecclesiæ:' If this be suffered, the misery will be the church's; the dishonour and the blur of the act, in future ages, will be yours.—To shut up therefore. Let us be taken off from all ordinary trade of Secular employments, and, if you please, abridge us of intermeddling with matters of common justice; but leave us possessed of those places and privileges in parliament, which our predecessors have, so long and peaceably, enjoyed.'

Informations of desperate Designs against the Parliament.] May 3. Mr. Pym acquainted the house, 'That there were divers informations given of desperate designs, both at home and abroad, against the parliament and the peace of the nation; and that the persons engaged therein are under an oath of secrecy: that there is also an endeavour to disaffect the army, not only against the parliament's proceedings, but to bring them up against the parliament, to over-awe them: that there was also a design upon the Tower, and endeavours used for the earl of Strafford's escape. That these combinations at home, have a correspondency with practices abroad: that the French are drawing down their forces to the sea-side; so that there was cause to fear their intent was upon Portsmouth: that divers persons of eminency about the queen, as by good information appears, are deeply engaged in these plots: that it is necessary the ports be stopped; and that his majesty be desired to command, That no person, attending upon the king, queen, or prince, do depart without leave of his majesty, with the humble advice of his parliament.'

Protestation to be taken, for the Defence of the Protestant Religion, &c.] Upon this speech, the house fell into a serious debate; wherein

Sir *John Wray* spoke as follows:—Mr. Speaker; If ever we intend to perfect and finish the great work we have begun, and come to our journey's end, let us take and follow the right way, which is via tuta; and that is, in a word, to become Holy Pilgrims, not Popish; and to endeavour to be loyal Covenanters with God and the king: first binding ourselves by a Parliamentary and National Oath, (not a Straffordian nor a Prelatical one) to preserve our Religion entire and pure, without the least compound of superstition or idolatry: next to defend the defender of the faith, his royal person, crown, and dignity; and to maintain our sovereign in his glory and splendor, which can never be eclipsed, if the ba-

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lance of justice go right, and his laws be duly executed. Thus doing, Mr. Speaker, and making Jerusalem our chiefest joy, we shall be a blessed nation, and a happy people: but if we shall let go our Christian hold, and lose our parliament proof and old English well-tempered mettle, let us take heed that our buckler break not, our parliaments melt not, and our golden candlestick be not removed; which let me never live to see, nor England to feel the want of. This is my prayer, with which I conclude my motion.'

The house being generally of opinion, That it was necessary to enter into a common resolution for the common safety, a Protestation was agreed on to be drawn up in form, by a committee; and this, being read and assented to by the whole house, was, with its preamble, in these words: "We the knights, citizens, and burgesses of the commons house in parliament, finding, to the grief of our hearts, that the designs of the Priests and Jesuits, and other adherents to the see of Rome, have been of late more boldly and frequently put in practice, than formerly, to the undermining and danger of the ruin of the true Reformed Religion, in his majesty's dominions established; and finding also, that there hath been, and having cause to suspect there still are, even during the sitting of parliament, endeavours to subvert the fundamental laws of England and Ireland, and to introduce the exercise of an arbitrary and tyrannical government, by most pernicious and wicked counsels, plots, and conspiracies; and that the long intermission, and unhappier breach of parliaments, hath occasioned many illegal taxations, whereupon the subjects have been prosecuted and grieved; and that divers innovations and superstitions have been brought into the church; multitudes driven out of his majesty's dominions; jealousies raised and fomented between the king and people; a Popish army levied in Ireland, and two armies brought into the bowels of this kingdom, to the hazard of his majesty's royal person, the consumption of the revenue of the crown and the treasure of this realm; and lastly, finding the great causes of jealousy, endeavours have been and are used, to bring the English army into a misunderstanding of this parliament, thereby to incline that army, by force, to bring to pass these wicked counsels; have therefore thought good to join ourselves in a Declaration of our united affections and resolutions, and to make this ensuing

PROTESTATION:

"I, A. B. do, in the presence of Almighty God, promise, vow, and protest, to maintain and defend, as far as lawfully I may, with my life, power, and estate, the true Reformed Protestant Religion, expressed in the doctrine of the Church of England, against all Popery and Popish innovations, and according to the duty of my allegiance to his majesty's royal person, honour, and estate; as also, the power and privilege of parliament; the lawful rights and liberties of the subjects, and every person that maketh this Protestation, in whatsoever he shall do, in the lawful pursuance of the same: and to my power, as far as lawfully I may, I will oppose, and, by good ways and means, endeavour to bring to condign punishment, all such as shall by force, practice, counsel, plots, conspiracies, or otherwise, do any thing to the contrary in this present Protestation contained. And, further, I shall, in all just and honourable ways, endeavour to preserve the Union and Peace betwixt the three kingdoms of England, Scotland and Ireland; and neither for hope, fear, or other respect, shall relinquish this promise, vow, and protestation."

This solemn affair was then put to the question, and resolved, That it was fit to be made, and forthwith taken, by every member of the house. The names of all which next occur in the Journals; and it appears, by a strict scrutiny that was taken next day, and compared with the list of the knights and burgesses of the house, that not one dissented.

The same day, in the afternoon, a great number of the citizens who had assembled themselves in the Palace-yard, came up to the door of the house of lords, desiring an Answer to their Petition, formerly presented to both houses of parliament, and subscribed by many hands: the lords, hereupon, took the Petition into consideration; and, being read, it was ordered to be committed to a committee of the whole house; and that the gentleman-usher should call half a score of them in, to receive this Answer: "That their lordships had taken their Petition into consideration, and have now read it again: that they are resolved to do in it that which shall be honourable and just, and that with all expedition." After which, the lord chancellor desired them to acquaint the rest, and cause them to depart to their own habitations.

The King's Message to the Lords for suppressing the Tumults.] Presently after this, a message was brought from the king to the house of lords, signifying, "That his majesty, taking notice of the great tumult and concourse of people that assembled together in these parts, had called, this day, his council to advise what course is fit to be taken therein. And it was his majesty's command to let both houses know, that it is his pleasure they take into consideration some speedy course to settle peace and prevent these tumults."

A Conference thereupon with the Commons.] May 4. A committee of the commons meeting the lords at a conference, the lord privy seal acquainted them with his majesty's Message about the Tumults, and what they had done in that business: then added, "That that house being the representative body of the commons of this kingdom, who have brought in the bill against the earl of Strafford, their lordships thought fit to let them know, that they are going on to the final conclusion of the great business concerning the earl; but are so compassed with multitudes, that their

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lordships may be conceived not to be free, unless these companies of people be sent home; whose flocking hither doth only hinder their lordships from going on with that great business: and therefore the lords desire the commons to consider with them, how this matter, of such importance, may be first expedited, and not interrupted by the concourse of such numbers of people; it having no other hindrance but their coming about both houses in such a manner." To this the commons only said, "That they could not now give an Answer; but would return to their house, and send one in due time."—No further notice is taken of this business in either of the Journals.

The Commons' Protestation sent up to the Lords, and taken by them.] This day, the commons sent up their Protestation to the lords by Mr. Maynard and Mr. Denzil Hollis. Upon presenting thereof,

Mr. *Denzil Hollis* spoke as follows:—'My lords; The knights, citizens, and burgesses of the house of commons, having taken into their serious consideration the present estate and condition of this kingdom, they find it surrounded with a variety of pernicious and destructive designs, practices, and plots against the well-being of it, nay, the very being of it; and some of these designs hatched within our own bowels, and, viper-like, working our destruction. They find Jesuits and Priests conspiring with ill ministers of state to destroy our Religion. They find ill ministers conjoined together, to subvert our laws and liberties. They find obstructions of Justice, which is the life-blood of every state, and (having a free passage from the sovereign power, where it is primarily seated, as the life-blood in the heart, and thence derived through the several judicatories, as through so many veins, into all the parts of this great collective body) doth give warmth and motion to every part and member, which is nourished and enlivened by it: but being once precluded, stopped, and seared up, as the particular must, of necessity, faint and languish; so must the whole frame of government be dissolved; and consequently sovereignty itself (which, as the heart in the body, is 'primum vivens, & ultimum moriens') must die and perish in the general dissolution; and all things return, as in the beginning, in antiquum chaos.—They find the property of the subject invaded and violated; his estate rent from him by illegal taxations, impositions, monopolies, and projects, (almost upon every thing which is for the use of man) not only upon superfluities, but necessaries; and this is to enrich the vermin and caterpillars of the land, and to impoverish the good; 'to take the meat from the childen, and give it to dogs.'—My lords, if we find these things so, we must conceive they must be ill counsels which have brought us into this condition. These counsels have put all into a combustion; have discouraged the hearts of all true Englishmen, and have brought two armies into our bowels, which (as the vulture upon Prometheus) eat through our sides, and gnaw our very hearts. 'Hinc dolor, sed unde medicina?'—Heretofore parliaments were the Catholicon, the balm of Gilead, which healed our wounds, restored our spirits, and made up all the breaches of the land; but of late years they have been like the fig-tree in the gospel, without efficacy, without fruit; only destructive to the particular members who discharge their duties and consciences, no way beneficial to the commonwealth: 'Nobis exitiabile, nec reipublicæ profuturum,' as is said in Tacitus; commonly taken away, as Elias was, with a whirlwind; never coming to any maturity or to their natural end: whereas they should be like that blessed old man which dieth (plenus dierum) in a full age, after he had fought a good fight, and overcome all his enemies; as the shock of wheat, which cometh in due season, to fill our granaries with corn, upholds our lives with the staff of bread: for parliaments are our *panis quotidianus*, our true bread; all other ways are but *quelques choses*, which yield no true nourishment, breed no good blood.—This very parliament, which hath sat so long, hath all this while but beaten the air, and striven against the stream; for I may truly say, wind and tide have still been against us. The same ill counsels which first raised the storm, which almost ship-wrecked the commonwealth, do still continue; they blow strong, like the east wind that brought the locusts over the land. These counsels cross our designs, cast difficulties in our way, hinder our proceedings, and make all that we do to be fruitless and ineffectual; they make us to be not masters of our business, and so not masters of our money; which hath been the great business of this parliament, that we might pay the armies according to our promises and engagements.—For, my lords, our not effecting of the good things which we had undertaken for the good of the church and commonwealth, hath wounded our reputation, and taken off from our credit. Is it not time then, my lords, that we should unite and concentrate ourselves, in regard of this Antiperistasis and Circumvallation of hurtful and malicious intentions and practices against us? My lords, it is most agreeable to nature, and I am sure, most agreeably to reason, in respect of the present conjuncture of our affairs; for one main engine by which our enemies work our mischief, is by infusing an opinion and belief into the world, that we are not united amongst ourselves; but that, like Sampson's foxes, we draw several ways, and tend to several ends.—To defeat then the counsels of these Achitophels, which would involve us, our religion, our king, our laws, our liberties, all that can be near and dear unto us, in one universal and general desolation; to defeat, I say, the counsels of such Achitophels, the knights, citizens, and burgesses of the house of commons (knowing themselves to be specially entrusted with the preservation of the whole; and, in their consciences, persuaded, that the dangers are so imminent, that they will admit

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of no delay) have thought fit to declare their united affections; by entering into an association amongst themselves, and by making a solemn Protestation and vow unto their God, That they will unanimously endeavour to oppose and prevent the counsels and counsellors which have brought upon us all these miseries, and fears of greater; to prevent the ends, and bring the authors of them to condign punishment, and thereby discharge themselves both before God and man. The Protestation your lordships shall have read unto you, together with the grounds and reasons which have induced the house of commons to make it; which are prefixed before it by way of preamble.'

Then the Protestation, with the Preamble to it, was read by Mr. Maynard. Afterwards it was, upon the question, resolved, nem. con. "That every lord of this house shall take this Protestation." Next follow the titles of all the peers, bishops included, then present, who took and subscribed this instrument; and the rest of the lords did the same, in the succeeding days, as they came to the house*.

May 5. The house of commons ordered, "That the Protestation aforesaid, with the preamble to it, should be printed together; and that the knights, citizens, and burgesses may have copies of them to send down to the sheriffs and justices of peace of the several counties, cities, boroughs, &c. in England;† and that they intimate to them, with what willingness the members of this house made this Protestation; and, as they justified the taking of it in themselves, so they cannot but approve the same in others.

Ordered also, "That all the members that are in town, and not sick, do appear here to morrow, at 8 o'clock; and their non-appearance shall be accounted a contempt of this house; upon which the house shall proceed as against a person not worthy to sit here: and that no member leave the town without special licence from the house."

Orders and Resolutions of the Commons for putting the Kingdom in a State of Defence.] Ordered, also, "That all the knights of shires, citizens, and burgesses of every county, should meet, this afternoon, to consider in what state and condition their several counties, cities, and boroughs are, in respect of Arms and Ammunition; and in what condition for lord lieutenants, or deputy lieutenants, whether they be persons well-affected to religion and to the public peace; and to present the names of them to this house: and likewise to consider what forts and castles there are in their several counties, &c. and who are the governors of them; and who are the governors of the islands, and the castles and forts there."—Resolved, upon the question, "That this house doth declare, that whosoever doth give any counsel or assistance, or join, in any manner, to bring any foreign force into the kingdom, unless it be by command of his majesty, with the consent of both houses of parliament, shall be adjudged and reputed a public enemy to the king and kingdom."

All this was previous to a message sent, this day, to the lords by Mr. Hollis, "That the house had received such information, as doth give them just cause to suspect, that there have been, and still are, secret practices to discontent the Army with the proceedings of parliament, and to engage them in some design of dangerous consequence to the state; and, by some other mischievous ways, to prevent the happy success and conclusion of this parliament. And because the timely discoveries and prevention of these dangerous plots doth so nearly concern both the safety of the king and kingdom, they desire their lordships would appoint a select committee, to take the examinations, upon oath, of such persons, and upon such interrogatories as shall be presented unto them by the direction of the house of commons, and in the presence of such of the members of that house as shall be thereunto appointed; with injunction of such secrecy as a business of this nature requires.—They have also ordered, That such members of their house as may be thought fit, shall, upon notice, be ready to be examined; and they desire their lordships will be pleased to order the like for the members and assistants of their own house. And further, it is desired, that their lordships will forthwith send to his majesty, to beseech him, in the name of the parliament, upon this great and weighty occasion, That no servant of his maj. the queen, or the prince, may depart the kingdom, or otherwise absent himself, without leave from his maj. and with the humble advice of parliament until these examinations be perfected."

When Mr. Hollis had read this Message to the lords, they returned for Answer, "That they would join with the commons in all they desired:" And immediately ordered a committee of ten lords to take examinations, upon

* Lord Clarendon says, "The earl of Southampton and the lord Roberts only refused it; alledging, There was no law that enjoined it, and the consequence of such voluntary engagements might produce effects that were not then intended." Vol. I. p. 198. Dr. Nalson adds, "That divers Recusant lords declared to their house, That they were ready to take the Protestation, so much as concerns the civil part of it, so they might be dispensed with for the Matter of Religion, which binds their consciences; which the house giving way to, the lord marquis of Winchester, the earl Rivers, and the lord Audley made the Protestation accordingly."—Collections, Vol. II. p. 237.

† This day, in the afternoon, one Mr. Henry Berkley was committed to the Gate-House, for saying, "That the house of commons deserved to be hanged better than the earl of Strafford, and that if he had seen one of the Protestations sticking up, he would have plucked it down, and wiped his breech with it."—Diurnal Occurrences, p. 92.

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oath, of such persons as shall be presented to them by the members of the other house. And a Memorandum is entered, "That whereas none of the lords the bishops are joined in this commission, it was declared by the house, that it should be no prejudice to their rights, as peers of parliament."—After this the lords sent a Message to the King by three great officers of state, and some other lords, about the request the commons made relating to his majesty's servants, and those of the queen and prince. The Answer was reported back by the earl of Dorset, "That his majesty very willingly granted it; and gave present command to these great officers, that attended him on this occasion, to take notice thereof to all under their charge, that none do depart the kingdom without the king's licence, but be forthcoming upon demand."

The lords of the committee for examining witnesses were enjoined strict secrecy in that affair; and the attorney general, with one of the king's serjeants, who were to attend them, took an oath, there entered, to the same purpose.

May 5. p. m. An order was made by the lords, to impower the constable of the Tower to send to the lord Mayor for the assistance of such a number of the Trained Bands as he shall have need of, in case of any sudden accident that may hereafter happen. The lord mayor also had power given him, by this order, to raise and arm any such number of the Trained-Bands, with powder and ball, as the said constable shall require, for the safe-guarding and keeping the said Tower, when need shall require it. Soon after the lord mayor's power was enlarged, by consent of the king, That, upon any sudden commotion or insurrection, he may draw out so many of the Trained Bands, as may be thought sufficient to suppress it.*—This afternoon, also, the commons resolved, "That a bill shall be prepared to declare and assure the Continuance of this present Parliament, from adjourning, proroguing, or dissolving, without the consent of both houses.' Mr. Whitlocke to prepare this bill."*

Sentence against Lilburn in the Star-Chamber, voted illegal.] Mr. Rouse having reported the case of John Lilburn, it was resolved, 1. "That the Sentence in the Star-Chamber given against John Lilburn, is illegal, and against the liberty of the subject; and also bloody, wicked, cruel, and tyrannical. 2. That reparation ought to be given to Mr. Lilburn, for his imprisonment, suffering, and losses, sustained by that illegal sentence."†

The Commons Suspicion of Discontents in the Army.] May 6. A conference with the lords was desired by the commons, and assented to; the lord Wharton reported the substance of it to this effect: "That the house of commons have lately presented to their lordships some information which they received, concerning ill counsels and practices which have been given to discontent the English Army with the proceedings of parliament, and to engage them in some design of dangerous consequence, &c. The commons have now great cause to increase their jealousies; for, having sent for certain persons to be examined in that business, they are not to be found; and the answers returned are so various, that they have great cause to believe they are fled. In particular they named Henry Percy, esq. Henry Jermyn, esq. sir John Suckling, Wm. Davenant, and capt. Billingsly; therefore they desired the lords would join with them, that all the ports may be stopped, and some course taken to find them out. And whereas they are informed, that the queen intends to take a journey to Portsmouth, they desire, (out of the service and respect they owe to her majesty and the safety of her person) that the king may be moved to desire the queen to defer her journey to Portsmouth, until the bottom of this business be fully known. Lastly, That some course may be taken to satisfy the English Army: and, if there be any there who have been carried away by ill counsel, to let it be known amongst them, that, if they will come in and discover the rest, they shall be spared."—Hereupon it was ordered, "That this house doth join with the house of commons in every thing they ask."

A Letter sent by the Speaker, to assure the Army of their Pay.] The ports were immediately ordered to be stopped, and circular letters to be sent for that purpose. None to be suffered to pass, except sir Thomas Roe, and his

* "This day there was a great hubbub raised in the city, occasioned by a report of a design to blow up the parliament: notice whereof was taken in the house of commons, by sir Walter Erle. Mr. Middleton and Mr. Moyle, two very corpulent men, with some others, standing up to hear him, a board in the gallery broke, and gave such a crack, that some apprehended the house was blown up indeed: and sir John Wray crying out, 'He smelt Gun-Powder,' they hurried out of the house, and frighted the people in the lobby, who ran into the hall crying, 'The Parliament House was falling, and the Members slain:' and, the people running in confusion through the hall, sir Robert Mansel drew his sword, and bid them stand for shame, 'for, he saw no enemy to hurt the parliament, and that there was no danger:' but some of the zealots by water gave the alarm, so that the drums beat, and a regiment of Trained-Bands marched as far as Covent-Garden, and the rabble of Volunteers down to the house, to save the parliament." Nalson's Collect, Vol. II. p. 191.

* Mr. Whitlocke remarks, "That this motion was so well liked by many parliament men, who, upon passing such a bill, would sit the surer and the longer in their saddles; and they were so hot upon it, that the committee brought it in the very next morning."

† See the Proceedings against him in the Star-Chamber, in Rushworth, Vol. II. p. 463.

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attendants, who was going ambassador abroad; particularly the persons abovenamed, to be apprehended, and safely conducted to this house. The members of the last committee were ordered to frame a Letter to the English Army, to take away all misunderstandings that might have been raised amongst them; as follows:

"Sir; We have had cause to doubt that some ill-affected persons have endeavoured to make a misunderstanding in the Army, of the intention of the parliament towards them. To take away all misunderstanding in that kind, the house of commons have commanded me to assure you, that they have taken the affairs of the Army into their serious care; and though, for the present, their monies have not come in as was wished, and as was due; by reason of the many distractions and other impediments which this house could no ways avoid; yet the Army may rest most assured, that they shall not only have their full pay, but the house will take their merits into their further consideration; in regard they take notice, that notwithstanding their wants, and the endeavours of those ill-affected persons, they have not demeaned themselves otherwise than as men of honour, and well-affected to the commonwealth; which this house takes in so good part, that we have already found out a way to get money for a good part of their pay, and will take the most speedy course we possibly may for the rest. So I remain, Your very loving friend,

WM. LENTHALL.

From my House at Charing-cross, the 8th of this present month of May, 1641.—P. S. 'Tis the pleasure of this house, that this Letter be communicated to the Army, to the end their Intentions may be clearly understood."

May 7. The commons having appointed a committee to take into consideration the printing of the Preamble and Protestation, with the lord Digby's last Speech, and several other speeches of members of their house; and to have power to send for parties, witnesses, books, and papers: this day the lords also ordered the bishops who were on the committee for Religion, to have power, from that house, to inquire after the printing and publishing of News-Books that are lately printed, full of innovations of doctrine, &c. with liberty to send for the printers, and examine them; and afterwards to report the same to the house.

A Conference concerning the present Dangers of the Kingdom.] Another conference was desired, this day, with the lords, the report of which by the lord privy seal, was to this purpose: That it was said by the commons at this conference, that 7 or 8 persons, that would have been material witnesses in this great business, are fled and run away, upon their sending for them; and therefore their suspicions are much confirmed concerning the design to seduce the king's army, and bringing them hither to join with other forces, to the disturbance of the parliament: also, that they have probable information of some forces, now at the sea side, in France, designed for Portsmouth: therefore they desire their lordships to join with them, in all convenient ways, for the discovery of this business, not doubting but these designs are united together. And it is their desire that three persons, one member of this house and two of the commons, be sent forthwith to Portsmouth, with a commission to examine the governor of that fort upon interrogatories; and, if any cause of jealousy be to suspect the governor, forthwith to command him to come to parliament; one of the commoners to come up with him, and the other to stay there to make as good provision as they can for that place, till they hear from hence. If the governor refuse to come up to London, that there be some speedy course taken to prevent further mischief—Next, that there may be some forces drawn out into Wiltshire and Berkshire, inland counties, to secure Portsmouth. Then to take care that provision be made for the isles of Guernsey and Jersey; and that the Train-Bands of Hampshire, Sussex, and Dorset, may be in readiness: also, that orders may be taken that the ships at Portsmouth may be put into a good posture for defending that town, and that the lord admiral be requested to put commanders of trust and fidelity into those ships: that a letter be sent down, signed by the two Speakers of the lords and commons, to the commanders of the army, to satisfy them, and to think of some fit way how the bottom of this plot may be discovered.—That the commons have appointed some members of their house to go into Dorsetshire, for drawing up the men to be ready on occasion: and likewise they have sent down to the king's army in the North other members of theirs, for satisfying the army, and to endeavour to discover these counsels and plots in hand. Lastly, That the commons have voted, That whosoever hath counselled, assisted, or joined to bring in any foreign force, but by the leave of the king and advice of parliament, shall be accounted as an enemy to the king and kingdom."

The lords complied with every article of this request of the commons. They first passed the same vote, nem. con. against counsellors or assistants. Next, the lord Kimbolton was deputed to go to Portsmouth; to whom were joined, in commission, sir John Clotworthy and sir Philip Stapleton, of the commons. They ordered also a Proclamation to be issued out against Percy, Jermyn, sir John Suckling, &c. and sent into all the counties in England, summoning them to surrender themselves within ten days of the date thereof, to the lords in parliament at Westminster, under such a penalty as that house should think fit to inflict upon them: and that Mr. Attorney shall present the same to be signed by the king.

The Commons pass the Bill for Continuance of the Parliament.] This day also the commons read a third time, passed, and sent up to the lords the bill, 'To prevent Inconveniences

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by adjourning of the Parliament ;' which their lordships read a first and second time this afternoon, and ordered back to the commons, with some amendments.

A second Letter to the Army.] May 8. To prevent further discontents in the Army, another Letter was this day sent from the commons, with the consent and concurrence of the lords, to sir Jacob Ashley and sir John Conyers, to be communicated to the Army in the North; which was as follows:

" Sir; Whereas there have been just causes of jealousy, that there have been some secret attempts and practices, to infuse into the Army a mislike of this parliament, to some dangerous intents and purposes against the state; and that now the matter is grown unto a strong presumption, upon further discoveries; and, by reason that some of those which were suspected to have been active therein are fled, upon the first stirring thereof, before ever they were once named; it hath pleased this house to declare, That notwithstanding they intend to search into the bottom of this conspiracy; yet, purposing to proceed specially against the principal actors therein, this house hath resolved, (whereunto the house of peers hath likewise consented) that for such of the Army as the conspirators have endeavoured to work upon, if they shall testify their fidelity to the state, by a timely discovery of that which they know and can certify therein; they shall not only be free from all punishment, but also shall be esteemed to have done that which is for the service of the state, in discovery of so dangerous a plot against it: and for such of the Army, as are and shall be found no ways tainted with this dangerous design, or, knowing any thing thereof, shall make such discovery as aforesaid; as this house shall no ways doubt of their loyalty and fidelity, so it shall have an especial care not only to satisfy all such arrears as this house hath formerly promised to discharge; but also give a fair testimony of the sense they have of their present and past wants. And it is ordered by this house, That, immediately after the receipt hereof, you should communicate this their Declaration unto all the officers and members of the army under your command."

The Bill for continuing the Parliament, passed.] The same day the commons returned the bill, 'To prevent Inconveniences by adjourning of the parliament,' to the lords, with this answer, "That they had debated their lordships amendments to it; and find them not material: and therefore desire that the bill may pass without them." On which the bill was read a third time, and being put to the question, the house divided, and it was carried, "That the bill pass into a law, by the major part of the peers," as their Journals express it.*

The Avenues to the Parliament House searched on the Apprehensions of a Plot.] May 10. The house of commons seemed to be under some consternation and dread of another Gunpowder-Plot; for this day the serjeant at arms was ordered to get the holes in the floor of Westminster-hall searched into, and stopped up; and a committee of five was appointed to take care and search the houses, rooms, and places about the parliament-house, to prevent the designs and danger that may happen by persons ill-affected.

May 11. The commons went into a committee, Mr. Hyde in the chair; and, when the house was resumed, it was resolved, upon the question, "That the sum of 400,000*l.* should be raised for the great and pressing affairs of the kingdom"

A Conference concerning the Stoppage of the Ports: and also relating to the Queen-Mother.] A conference was held this day between the two houses, and Mr. Pym reported part of it to the commons, viz. "The earl of Dorset told them, That the lords had received many petitions from merchants, ready to send their ships to sea, which they cannot do by reason of the Ports being stopped, whereby they lose their voyage, with other cross accidents on that occasion. The lords conceived that the reason for stopping the ports was to prevent some particular men, shewing a guilt by their flights, from going over, and not of merchants in general: however, that the lords would not open them till they had acquainted this house with it."—The second part of the conference was reported by Mr. Treasurer Vane, to this effect: "That the earl of Holland said, the lords had been informed what fears the Queen's Mother was in, by reason of the disorders of the people, and desired a guard. That he, being lord lieutenant of Middlesex, had appointed a guard of 100 musqueteers for that purpose: that he found great unwillingness in some of them to go; they said they thought it fitter to do other things than guard strangers: that since the mob talked of coming the next day into St. James's fields; and if any thing should happen to the Queen-Mother of France, it would be a great dishonour to this nation, she being here for protection from the king and queen: that she is to be considered as a lady, who is mother to the greatest princess in Christendom: besides, she had lived here with such modesty and moderation, as every body near her did wonder at: that there had not a person, belonging to her family, been complained of or punished: that she had often desired his maj. would so govern as to gain the affections of his people, particularly by parliament." Another circumstance the earl delivered, "That the disorders of the multitude were much in-

* The principal amendments were, "That the time should be limited and not left indefinite; and that it should not be dissolved within two years, except by consent of both houses; that time being sufficient to provide against any accidents that were then apprehended."—Clarendon, Vol. I. p. 205.

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creased: that the city marshal had informed them, that last night there marched towards the Tower, a thousand sailors and others, with a flag of a ship before them, who pulled down two houses: that the Trained Bands opposed, fired, and killed two of them: therefore they desired our advice how to prevent these tumults."

It was afterwards ordered, by consent of both houses, "That the Ports should be forthwith opened, and that two Proclamations should be put forth: the one to declare, That the king had taken the Queen-Mother into his royal protection; that the Trained Bands should be appointed for her guard; and that a list may be taken of her servants: the other to prohibit all Tumults and Drawing together of People, under severe penalties."

A Committee appointed to open all Foreign Letters.] At the request of the commons, the lords ordered, "That the Postmaster for foreign Letters should bring, or cause to be brought, to a committee appointed for that purpose, all such letters, imported or to be exported, which come to his hands: and the committee were ordered to open the said letters, peruse them, and report them to the house."

Petitions from the Universities in favour of Deans and Chapters.] May 12. The commons took into consideration the Affair of Deans and Chapters, &c. when two Petitions from the Universities of Oxford and Cambridge were read, and are as follows:*

"To the High and Honourable Court of Parliament: The humble PETITION of the University of OXFORD,

"Sheweth, That whereas the University hath been informed of several Petitions concerning the present Government of this Church and Maintenance of the Clergy, which of late have been exhibited to this Honourable Assembly; we could not but think ourselves bound in duty to God and this whole nation, charity to ourselves and successors, who have, and are like to have more than ordinary interest in any resolution that shall be taken concerning Church Affairs; in all humility to desire the continuance of that form of government which is now established here, and hath been preserved in some of the Eastern and Western Churches, in a continued succession of bishops, down from the very Apostles to this present time; the like whereof cannot be affirmed of any other form of government in any church: upon which consideration, and such other motives as have already been represented to this honourable parliament from other persons and places, with whom we concur, in behalf of episcopacy, we earnestly desire that you would protect that antient and apostolical order from ruin or diminution. And we become further suitors for the continuance of those pious foundations of Cathedral Churches, with their lands and revenues; as dedicated to the service and honour of God, soon after the plantation of Christianity in the English nation: as thought fit and useful to be preserved for that end, when the nurseries of superstition were demolished; and so continued in the last and best times, since the blessed Reformation, under Edw. 6. Elizabeth, and James I. princes renowned through the world for their piety and wisdom: as approved and confirmed by the laws of this land, antient and modern; as the principal outward motive and encouragement of all students, especially in divinity, and the fittest reward of some deep and eminent scholars; as producing or nourishing, in all ages, many godly and learned men, who have most strongly asserted the truth of that religion we profess, against the many fierce oppositions of our adversaries of Rome; as affording a competent portion, in an ingenious way, to many younger brothers of good parentage, who devote themselves to the ministry of the gospel; as the only means of subsistence to a multitude of officers and other ministers, who, with their families, depend upon them, and are wholly maintained by them; as the main authors or upholders of divers schools, hospitals, high-ways, bridges, and other public and pious works; as special causes of much profit and advantage to those cities where they are situate, not only by relieving their poor, and keeping convenient hospitality, but by occasioning a frequent resort of strangers from other parts, to the great benefit of all tradesmen and inhabitants in those places; as the goodly monuments of our predecessors piety, and present honour of this kingdom in the eye of foreign nations; as the chief support of many thousand families of the laity, who enjoy fair estates from them in a free way; as yielding a constant and ample revenue to the crown; and as by which many of the learned professors of our university are maintained. The subversion or alienation whereof must, as we conceive, not only be attended with such consequences as will redound to the scandal of many well-affected to our religion, but open the mouths of our adversaries and of posterity against us; and is likely, in time, to draw after it harder conditions upon a considerable part of the laity; an universal cheapness and contempt upon the clergy; a lamentable drooping and defection of industry and knowledge in the universities; which is easy to foresee, but will be hard to remedy.—May it therefore please this hon. assembly, upon these and such other considerations as your great wisdoms shall suggest, to take such pious care for the continuance of these Religious Houses, and their Revenues, according to the best intentions of their founders, as may be most to the furtherance of God's glory and service, the honour of this church and nation, the advancement of religion and learning, and the encouragement of

* From the Collection of Petitions, published by the King's command. London; printed for William Sheares. 1642.

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the modest hopes and honest endeavours of many hundred students in the universities, who do and shall ever pray, &c. Dat. anno Dom. 1641, e domo convocationis, in celebri conventu doctorum ac magistrorum, omnibus & singulis assentientibus."

"To the honourable the Knights, Citizens, and Burgesses of the House of Commons assembled in Parliament, The humble PETITION of the university of CAMBRIDGE,

"Sheweth, That your petitioners having heard of divers suggestions offered to this honourable court, by way of remonstrance, tending to the subversion of Cathedral Churches, and alienation of those lands by which they are supported; being the antient inheritance of the church, founded and bestowed by the religious bounty of many famous and renowned kings and princes of this land, and other benefactors, both of the clergy and laity, and established and confirmed unto them by the laws of this kingdom; and so accordingly have been employed to the advancement of learning, the encouragement of students, and preferment of learned men, besides many other pious and charitable uses:—May it please this hon. court, out of their great wisdom and tender care for the cherishing of learning, and furtherance of the studies and pains of those who have, and do devote themselves to the service of the church, graciously to protect and secure those religious foundations from ruin and alienation, and withall to take order that they may be reduced to the due observation of their statutes; and that all innovations and abuses, which have, by some men's miscarriages, crept in, may be reformed; that so the students of our university, who, by the present fears, both are and will be much discouraged, may be the better invited to pursue their studies with alacrity; and the places themselves disposed to the most serviceable and deserving men, according to their first institution. And your Petitioners shall ever pray," &c.

Explanation of a Passage in the late Protestation.] This day, the commons resolved, "That whereas some doubts have been raised by several persons, out of this house, concerning the meaning of these words contained in the Protestation lately made by the members of this house, viz. 'The true Reformed Protestant Religion, expressed in the doctrine of the church of England, against all Popery and Popish Innovations within this realm, contrary to the same doctrine,' this house doth declare, That by those words was and is meant, only, the public doctrine professed in the said church, so far as it is opposite to Popery and Popish innovations; and that the said words are not to be extended to the maintaining of any form of worship, discipline, or government, nor of any rites or ceremonies of the said church of England."

Bill for restraining Bishops, &c.] May 14. The commons, in a committee of ways and means for raising the 400,000*l.* tax, lately agreed to, resolved, upon the question, 'That every man's land, of what degree soever, or in whose possessions the said lands are, shall be rated towards the raising the aforesaid sum."

This day, a bill from the commons, 'For restraining of Bishops, and others in Holy Orders, from intermeddling in Secular Affairs,' was read a second time by the lords, and committed. Upon this occasion,

Lord viscount *Newark* spoke as follows:* 'My lords; I shall take the boldness to speak a word or two upon this subject; first as it is in itself, then as it is in the consequence. For the former: I think he is a great stranger in antiquity, that is not well acquainted with the bishops sitting here: they have done thus, and in this manner, ever since the conquest; and, by the same power and the same right, the other peers did, and your lordships now do: and to be put from this their due, so much their due, by so many hundred years strengthened and confirmed; and that without any offence, nay pretence of any, seems to me to be very severe if it be *jus*, I dare boldly say, it is *summum*. That this hinders their ecclesiastical vocation, an argument I hear much of, hath, in my apprehension, more of shadow than substance in it: if this be a reason, sure I am it might have been one 600 years ago. A bishop, my lords, is not so circumscribed within the circumference of his diocese, as that his absence, sometimes, can be termed (no, not in the most strict sense) a neglect or hindrance of his duty, no more than that of a lieutenant from his county; they both have their subordinate ministers, upon which their influences fall, though the distance be remote. Besides, my lords, the lesser must yield to the greater good; to make wholesome and good laws for the happy and well-regulating of the church and commonwealth, is certainly more advantageous to both, than the want of the personal execution of their office, and that but once in 3 years; and then, peradventure, but a month or two, can be prejudicial to either. And now, by your lordships good leave, I shall speak to the consequence, as it reflects both on your lordships and my lords the bishops. Dangers and inconveniences are ever best prevented é longinquo. This precedent comes near to your lordships, and such a one, that, 'mutato nomine, de vobis.' Pretences are never wanting; nay, sometimes, the greatest evils appear in the most fair and specious outsides; witness the Ship-Money, the most abominable, the most illegal thing that ever was; and yet this was painted over with the colour of law. What bench is secure, if to alledge be to convince? And which of your lordships can say then, He shall continue a member of this house, when, at one blow, 26 are cut off? It then behoves the neighbour to look about him,

* From the original edition, printed for Abel Roper, 1641.

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'cum proximus ardet ucalegon.'—And for the bishops, my lords, in what condition will you leave them? the house of commons represents the meanest person, so did the master his slave; but they have none to do so much for them: and what justice can tie them to the observation of those laws, to whose constitution they give no consent? The wisdom of former times gave proxies unto this house, meerly upon this ground, that every one might have a hand in the making of that which he had an obligation to obey. This house could not represent, therefore proxies, in room of persons, were most justly allowed.—And now, my lords, I beseech your lordships to cast your eyes upon the church, which I know is most dear and tender to you. You will see her suffer in her most principal members, and deprived of that honour which, here and throughout all the christian world, ever since christianity, she constantly hath enjoyed: for what nation or kingdom is there in whose great and public assemblies, and that from her beginning, she had not some of hers? If I may not say as essential, I am sure I may say as integral, parts thereof: and truly, my lords, christianity cannot alone boast of this, or challenge it only as hers, even heathenism claims an equal share. I never read of any of them, civil or barbarous, that gave not thus much to their religion; so that it seems to me to have no other original, to flow from no other spring, than nature itself. How it may stand with the honour and justice of this house to pass this bill, I most humbly submit unto your lordships, the most proper and only judges of them both.'

May 17. The commons entered into debate about the Propositions concerning Religion, delivered in by the Scots commissioners; and it was resolved, "That this house doth approve of the affection of their brethren of Scotland, in their desires of a conformity in church government between the two nations, and doth give them thanks for it; and as they have already taken into consideration the reformation of Church government, so they will proceed therein in due time, as shall best conduce to the Glory of God and the peace of the Church."

Several great Officers resign.] Whitlocke tells us, "That this day, divers great officers of state surrendered their places, either accounting themselves insecure, or to satisfy others. Lord Cottington resigned the office of master of the Court of Wards to the lord Say and Seal: Dr. Juxson, bishop of London, delivered up his staff as lord High Treasurer; and that office was put into the hands of five commissioners, the lord Keeper, lord Privy Seal, lord Chief Justice of the Common-Pleas, lord Newburgh, and secretary Vane: The earl of Leicester was made lord lieutenant of Ireland, in the room of the late earl of Strafford: The earl of Essex, lord Chamberlain of the Household, on the removal of the earl of Pembroke: And the marquis of Hertford appointed governor to the prince, in the room of the earl of Newcastle."

The Commons propose that the Queen-Mother should leave this Kingdom.] May 18. Mr. Martin reported from the committee of commons, concerning the Queen-Mother, what was proper to be delivered to the lords at the next conference, both for the safety of her person, and about the Tumult which lately happened near Tower-Hill, to this effect. "That they could not but join with their lordships in apprehension of danger; and therefore should agree to all good means that might conduce to the safety of her majesty's person; holding themselves obliged thereto, as well by the rules of public faith and honour, as for that special interest this kingdom hath in the queen her daughter and the royal issue: But fearing that all the care that can be used, may prove insufficient for the assurance of her protection, and desirous to prevent the blemish that may fall upon this nation by any ill accident, the commons do intreat their lordships humbly to represent these things to his majesty, that the queen may be moved to depart this kingdom; the rather, for the quieting of the jealousies in the hearts of his majesty's well-affected subjects, occasioned by some ill instruments about the queen's person; by the crowding of Priests and Papists to her house, and by the use and practice of the idolatry of the mass and exercise of other superstitious services of the Romish church to the great scandal of true religion, &c."

Debate in the Lords on the Bill for restraining Bishops &c. from intermeddling in Secular Affairs.] May 24. The lords in a grand committee, took into consideration the bill, 'For restraining Bishops, and others in Holy Orders, from intermeddling in Secular Affairs, when

The Bishop of *Lincoln* * made the following Speech: † My Lords, I shall desire as much time of your lordships, as you can well afford in a committee, because all that I intend to speak in this business must be to your lordship's only; as resolved, for mine own part, to make hereafter no remonstrance at all to his most excellent majesty, for these several Reasons: 1st. That I have had occasion, of late, to know, that our sovereign, a man of most upright, dainty, and scrupulous conscience ‡, and afraid to look upon some actions, which other princes abroad do usually swallow up and devour. I know, for I have the monuments in my own custody ||, what oath, or rather oaths, his maj. hath taken at his coronation, to preserve all the rights and liberties of the church

* Lord Keeper of the Great-Seal, in the latter end of the reign of king James, and the beginning of this reign.

† Printed by William Godbid, 1641.

‡ This probably alludes to the king's doubts and perplexities about giving his assent to the Bill of Attainder against the earl of Strafford, which was passed only fourteen days before this Speech. See the bishop's arguments upon that occasion, p. 758.

|| His lordship was at this time Dean of Westminster, which he held in commendam with his Bishoprick.

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of England: and you know very well, that churchmen are never sparing in their rituals or ceremonials, to amplify and swell out the oaths of princes in that kind. Your lordships, then know right well, that he is sworn, at that time, to observe punctually the laws of king Edward. The first law thereof, as you may see in Lambard's Saxon Laws, is to preserve entirely the peace, the possessions, and the rights and privileges of the church; and truly I shall never put my master's conscience, that I find resenting and punctilious when it is not bound up with oaths and protestations, to swallow such gudgeons, as to fill itself with these doubts and scruples.—2ndly. 'That if his maj. were free from all these oaths and protestations, I durst not, without some fair invitation from himself, advise him to run shocks and oppositions against the votes of both these great houses of parliament.—3rdly and lastly, 'If I were secretly invited to move his maj. to advise upon the passing of the bill, yet, speaking mine own heart and sense, and not binding any of my brethren in this opinion, if I found the major part of this house to pass this bill without much qualification, I should never have the boldness nor desire to sit more, in any judicial place, in this most honourable house.—And therefore, my lords, here I have fixed my Areopagus, and dernier resort, being not like to make any further appeal. I will therefore cast this whole bill into six several heads, wherein I hope to comprehend all that I shall say, in this bill. The 1st is the Rise or Motive of this bill; which is the duty of men in Holy Orders; for the words are, persons in Holy Orders ought not to intermeddle, &c. And this duty of ministers may be taken, in this place, two several ways; either for their duty, in point of divinity or in point of convenience, which we commonly call policy. In regard of either of these duties, it may be conceived that men in Holy Orders ought not to intermeddle in Secular Affairs, &c. And this is the motive, rise and ground of this Bill.—The 2nd point is, the Persons concerned in this bill; which are archbishops, bishops, parsons, vicars, and all others in Holy Orders.—The 3rd contains the things inhibited, from this time forward, to such persons by this bill; and they are of several sorts and natures: 1. Freeholds and rights of such persons; as their suffrages, votes and legislative power in parliament. 2. Matters of princely favours: as to sit in the Star-Chamber, to be called to the Council-Board, to be Justices of the peace, &c. 3. Matters of a mixed or concrete nature, that seem to be both freeholds, and favours of former princes; as the Charters of some of the Bishops, and some of the ancient Cathedrals are conceived to be. And these are all the matters, or things, inhibited those persons in Holy Orders, by this present bill.—4thly, The Manner of this Inhibition, which is of a double nature 1. Under a high and severe penalty; and, 2. Under a Cain's mark; an eternal kind of disability or incapacity laid upon them from enjoying, hereafter, any of these freeholds, rights, favours, or charters of former princes; and that, which is the heaviest point of all, without killing of Abel, or any crime laid to their charge, more than that, in the beginning of the bill, it is said, roundly, and in the stile of Lacedæmon, 'That they ought not to intermeddle in Secular Affairs.'—The 5th point is a salvo for the two Universities, but none for the bishops of Durham, or bp. of Ely; nor for the dean of Westminster, their next neighbour, who is established in his government by an especial act of parliament, that of the 27th of Queen Elizabeth.—The 6th and last point is a *salvo* for dukes, marquisses, earls, viscounts, barons or peers of this kingdom, that either may be, or are such, by descent. This clause, I hope in God, will prove not only a *salvo* to those honourable persons, (whereof if we of the clergy were but so happy as to have any competent number of our coat,

———quot

Thebarum portæ, vel divitis ostia Nili?

this bill surely had perished in the womb, and never come to the birth;) but I hope that this clause will prove to this bill a *Felo de se*, a murderer of itself; and tho' intended for a *salvo* for *noble* ministers only, prove a *salvo* for all *other ministers* that be not so happy as to be *nobly* born; because the *very poor minister*, for ought we find in Scripture, or common reason, is no more tied to serve God in his vocation, than these *ἰυγενῆς*, and *nobly-born* ministers are: and therefore I hope these *noble ministers* will deal so nobly, as to pull their brethren, the poor ministers, out of the thorns and briers of this bill.—These are all the true heads and contents of this bill: and amongst these 6 heads your lordships shall be sure to find me, and I shall expect to find your lordships, in the whole tract of this committee. And now, with your leave and patience, I will run them over, almost as briefly as I have pointed and pricked them down.—For the 1st, the Rise and Motive of this bill; which is the duty of men in Holy Orders not to intermeddle with Secular Affairs: It must arise either from a point of divinity, or from point of conveniency, or of policy: and I hope in God, it will not appear to your lordships that there is any ground, either of divinity or policy, to inhibit men in orders so modestly to intermeddle with secular affairs, as that the measure of intermeddling in such affairs, shall not hinder and obstruct the duties of their calling. They ought not so to intermeddle in secular affairs, as to neglect their ministry: no more ought layman neither; for they have a calling and vocation, wherein they are to walk, as ministers have; they have wife and children and families to care for; and they are not to neglect these to live upon warrants and recognizances; to become a kind of sir Francis Mitchel* or an *Ignotus nimis*, as Solomon calls it.—That place,

* A trading Justice of Peace, who was prosecuted in parliament, in the 19th of James 1. for being a Monopolist. The proceedings against him be found in Vol. 1. p. 1212.

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2 Tim ii. 4. 'No man that wars, entangles himself with the affairs of this life,' will be found to be applied, by all good interpreters, to laymen as well as churchmen; and under favour, nothing at all to this purpose. Besides that the word, ἐμπλέκεται, doth point at a man that is so wholly taken up with the affairs of this life, that he utterly neglects the offices and duties of a Christian man; and so I leave that place as uncapable of any other exposition, nor ever otherwise interpreted, but by Popes, Legates and Canonists, that make a nose-of-Wax of every place of Scripture they touch upon. But that men in holy orders ought not, in a moderate manner, together with the duties of their calling, to help and assist in the government of the common-wealth, if they be thereunto lawfully called by the sovereign prince, can never be proved by any good divinity: for, in the law of nature, before the deluge, and a long time after, it is a point that no man will deny me, That the eldest of the family was both the priest and the magistrate.—When the people were taken out of Egypt, by Moses and Aaron; 'Moses and Aaron amongst his Priests,' as it is in the book of Psalms: then there was a form of common-wealth, fetched from heaven indeed, and planted upon the earth, and judiciary laws dictated for the reglement of the same. Nor do I much care though some men shall say, That persons in holy orders ought not to intermeddle in secular affairs, when the great God of heaven and earth did appoint them to intermeddle with all the principal affairs of that state; witness the exorbitant power of the high priest in secular matters, the Sanhedrim, the twenty-three the Judges of the Gate, which were, the most of them, priests and levites. And the churchmen of that state were not all butchers and slaughtermen, for they had their tabernacle, their synagogues, their prayers, preaching, and other exercises of piety. In a word; we have *diviniùs*, but they had *operosius ministerium*, as St. Augustin speaketh: our ministry takes up more of our thoughts; but theirs took up more of their labours and industry. Nor is it any matter that this common-wealth is no more in being; it sufficeth it hath been once, and that planted by God himself, who would never have appointed persons in holy orders to intermeddle with things they ought not to intermeddle withall.—I will go on with my chronology of persons in holy orders, and only put you in mind of Eli and Samuel, amongst the Judges; of Zadock's employment under king David; of Jehoiadas under his nephew king Joash; and would fain know what hurt those men in holy orders did, by intermeddling in secular affairs at that time?—Now we are returned from the captivity of Babylon; I desire you to look upon the whole race of Macchabees, even to Antigonus the last of them all, taken prisoner by Pompey, and crucified afterwards by Mark Anthony: and shew me any one of those princes (a woman or two excepted) that was not a priest and a magistrate.—We are now come to Christ's time, when, methinks, I hear St. Paul, in the 23d of the Acts, excuse himself for reviling of the high priest: 'I wist not brethren, that he was the high priest, for it is written, Thou shalt not speak evil of the ruler of thy people.' Where observe, that the word 'Ruler,' in the Greek, is ἄρχοντα the very same word that is used by St. Paul, Rom. xiii. 3. where this word ἄρχοντες is translated, by Beza, 'Magistrates.'—Next, you must be pleased to imagine the church asleep, or almost dead, under persecution, for almost 300 years, until the happy days of the emperor Constantine, and not expect to find many magistrates among the christians: yet shall you find St. Paul, 1. Cor. vi. 5. offend against this bill and intermeddle, knuckle deep, with Secular Affairs, by inhibiting the Corinthians very sharply, for their chicanery, their pettifoggery, and common battery, in going to law one with another. Besides that, as all learned men agree, both the Apostles and Apostolical men that lived presently after them, had a miraculous power of punishing exorbitant crimes, which supplied the power of the ordinary magistrate; as appears in Ananias and Saphyra, the incestuous Corinthian, and many others.—Then from Constantine's age, till the Reformation begun by Luther, churchmen were so usually employed in managing of Secular Affairs, that I shall confess ingenuously, it was far too much; there lying an appeal from the courts of the empire to the bishop's judicatory, as you shall find it every where in the code of Justinian. So was it under Carolus Magnus and all the Carolovingian Line of our neighbour country of France. So, and somewhat more, it was with us, in the Saxon Heptarchy; the bishop and the sheriff sitting together, cheek by jowl, in their towns and courts. But these exorbitant and vast employments in secular affairs I stand not up to defend, and therefore I will hasten to the Reformation.—Mr. Calvin, in the fourth book of his Institutions, and 11th Distinction, doth confess, that the holy men heretofore did refer their controversies to the bishop, to avoid troubles in law; and you shall find that, from Luther to this present day, in all the flux of time, in all nations, in all manner of reformations, persons in holy orders were thought fit to intermeddle with secular affairs. Brentius was a privy counsellor to his duke and prince: Functius was a privy counsellor to the great duke of Borussia. Calvin and Beza, whilst they lived, carried all the counsel of the state of Geneva under their own gowns; and Bancroft (in his Survey, cap. 26.) observeth, 'that they were of the council of state there, which consisteth of threescore.' I have myself known Abraham Scultetus a privy counsellor to the prince Palatine: The rev. M. Du Moulin, for many years together, a counsellor to the princess of Sedan: his brother-in-law, M. Rivel, a great learned personage now in England, of the privy council of the prince of Orange. You have all heard (and I know much good by his former writings) of

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a learned man called Mr. Henderson; and most of your lordships understand, better than I, what employment he hath at this time in this kingdom. And, truly, I do believe, that there is no reformed church in the world, settled and constituted by the state, wherein it is held for a point in divinity, That persons in Holy Orders ought not to intermeddle with Secular Affairs.—Now I come to the 2nd duty of men in Holy Orders, in point of Conveniency or Policy. I am clearly of opinion, that, even in this regard and reflection, they ought not to be debarred from modestly intermeddling in secular affairs: for, if there be any such inconveniency, it must needs arise from this, That to exercise some secular jurisdiction must be evil in itself, or evil to a person in holy orders; which is neither so nor so: for the whole office of a subordinate civil magistrate is most exactly described in Rom. xiii. 3, 4. and no man can add or detract from the same. The civil power is a divine ordinance, set up to be a terror to the evil, and an encouragement to good works. This is the whole compass of the civil power: and therefore I do here demand (with that most learned bishop Davenport,* that within a few days did sit by my side, in the 11th Question of his determinations :) what is there of impiety, what of unlawfulness, what unbecoming either the holiness or calling of a priest, in terryfying the bad, or comforting the good subject; in repressing of sin, and punishing of sinners? For this is the whole and intire act of civil jurisdiction. It is, in its own nature, repugnant to no person, to no function, to no sort or condition of men; let them hold themselves never so holy, never so seraphical, it becomes them very well to repress sin, and punish sinners; that is to say, to exercise in a moderate manner civil jurisdiction, if the sovereign shall require it. And you shall find that this doctrine of debarring persons in holy orders from secular employments, is no doctrine of the Reformed, but the Popish church; and first brought into this kingdom by the popes of Rome and of Lambeth; as Lanfranc, Anselme, Stephen Langton, and the rest, together with Otho and Othobon; and to this only end, that the man of Rome might withdraw all the clergy of this kingdom from their obligations to the king and nobility, who were most of them great princes in those times, and thereby might establish and create (as in a great part he did) *regnum in regno*, a kingdom of shavelings in the midst of this kingdom of England: and hence came those Canons of mighty consequence, able to shoot up a priest, at one shot, into Heaven; as that he must not meddle with matters of blood; that he must not exercise civil jurisdiction, not be a steward to a nobleman in his house, and all the rest of this *palea* and garbage: that is, in plain English, the priest must no longer receive obligations from either king or lords, but wholly depend upon his holy fathers, the pope of Rome and the pope of Lambeth; or at leastwise pay them soundly for their dispensations and absolutions, when they presume to do the contrary. In the mean time here is not one word or shew of reason, to inform an understanding man, that persons in holy orders ought not to terrify the bad, and comfort the good; to repress sin, and chastise sinners; which is the *summa totalis* of the civil magistracy; and consequently so far forth, at the least, to intermeddle with secular affairs.—The second point consists of the persons reflected upon in this bill; which are 'Archbishops, Parsons, Vicars, and all others in Holy Orders.' Of this point I shall say little; only finding these names huddled up in an heap, it made me conceive, at first, that it might have some relation to Mr. Bagshaw's reading in the Middle-Temple; which I ever esteemed to have been very inoffensively delivered by that learned gentleman, and, with little discretion questioned by a great ecclesiastic, then in place: for all that he said amounted only to this, 'That when the temporal lords are more in voices than the spiritual, they may pass a bill without consent of the bishops;' which is an assertion so clear in reason, and so often practised upon the records and rolls of parliament, that no man, any way versed in either of these, can make any doubt of it; nor do I: though I humbly conceive no precedent can be found that the prelates were ever excluded, otherwise than by their own folly, fear, or headiness. As for the point of being justices of the peace, the gentleman confesseth, 'He never meddled with archbishops, nor bishops, nor with any clergyman, made a justice by his majesty's commission.' In the statute made 34 Edw. 3. c. 1. he finds, assignees for keeping of the peace, one lord, and, with him, three or four of the most worthy men of the county: the troublesome times did then so require it; and if God do not bless us with the riddance of these two armies, the like provision will be now as necessary. He finds these men included, but doth not find churchmen excluded; no not in the statute, 13 Rd. 2. c. 7. that requires justices of peace to be made of knights, esquires, and gentlemen of the law, of the most sufficient of each county: in which words the gentleman thinks clerks were not included; and I clearly say, by his favour, they are not excluded; nor do the learned sages of the law conceive them to be excluded by that statute. If the king shall command the lord keeper to fill up the commissions of each county with the most sufficient knights, esquires, and gentlemen of the law, shall the lord keeper thereupon exclude the noblemen and the prelates? I have often, in my days, received this command, but never heard of this interpretation before this time; so that I cannot conceive from what ground this general sweepstake of archbishops, bishops, parsons, vicars, and all others in holy orders, should proceed.—I have heard, since the beginning of my sickness, that it hath been alledged in this house, that the clergy, in the 6th of Edw. 3. did disavow that the custody of the

* Bishop of Salisbury.

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peace did belong to them at all; and I believe that such a thing is to be found amongst the notes of the privileges of this house: but first you must remember, that it was in a great storm, and when the waters were much troubled, and the wild people unapt to be kept in order by mitres and crosier-staves: but yet if the noble lord, who urged this argument, shall be pleased to cast his eye upon the roll itself, he shall find that this poor excuse did not serve the prelates turns; for they were compelled, with a witness, to defend the preservation of the peace of the kingdom, for their part, as well as the noblemen and gentry; and you shall find the ordinance to this effect set down upon that roll. I conclude, therefore, that the sweeping of all the clergy out of temporal offices, is a motion of the first impression, and was never heard of in the English commonwealth, before this bill. —I come, in the 3rd place, to the main part of this cause, the things to be severed from all men in Holy Orders, which are, as I told you, of three kinds. 1. Matters of freehold; as the bishop's votes in parliament and legislative power. 2. Matters of favour; as, to be a judge in the Star-Chamber, to be a privy-counsellor, to be a justice of peace, or a commissioner in any temporal affairs. 3. and mixt Matters of Freehold and Favour too; as the Charters of some Bishops, and many of the antient Cathedrals of this kingdom, who allow them a justice or two within themselves, or their close, as they call it; and exempt those grave and learned men from the rudeness and insolency of tapsters, brewers, innkeepers, taylors, and shoe-makers, which do integrate and make up the bodies of our country cities and incorporations. But now is the axe laid to the very root of the ecclesiastical tree; and, without your lordships justice and favour, all the branches are to be lopt off quite, with these latter clauses; the stock and root itself is to be quite grubbed and digged up, by that first point of abolishing all votes and legislative power in all clergymen; leaving them to be no longer any part of the people of Rome, but meer slaves and boudmen to all intents and purposes: thus will the priests of England be one degree inferior to the priests of Jeroboam, being to be accounted worse than the tail of the people.—Now I hope no Englishman will doubt, but this vote and representation in parliament is not only a freehold, but the greatest freehold that any subject in England, or in all the Christian world, can brag of at this day; that we live under a king, and are to be governed by his laws; that is, not by his arbitrary edicts or rescripts, but by such laws confirmed by him, and assented to by us, either in our proper persons, or in our assignees and representations.—This is the very soul and genius of Magna Charta; and without this one spirit, that great statute is little less than litera occidens, a dead and useless piece of paper.—You heard it most truly opened unto you, by a wise and judicious peer of this house, that legem patere quam ipse tuleris, was a motto wherein Alexander Severus had not more interest than every true-born Englishman. No forty shillings man in England but doth in person, or representation, enjoy this freedom and liberty. The prelates of this kingdom, as a looking-glass and representation of the clergy, (a third estate, if we may speak either with sir Edw. Coke, or antient acts of parliament) have been in possession hereof these 1000 years and upwards. The princes of the Norman race, for their own ends, and to strengthen themselves with men and money, erected the bishopricks, soon after the conquest, into baronies, and left them to sit in that house with their double capacities about them; the latter, invented for the benefit of the prince, not excluding the former, but remaining always, from the beginning, for the profit of the state ecclesiastical; which appears, not only by the Saxon laws set forth by Mr. Lambard and sir H. Spelman, but also by the bishops writs and summons to parliament, in use to this very day.—We have many precedents upon the rolls, that in vacancy of episcopal sees, the guardian of the spirituals, though but a simple priest, hath been called to sit in this honourable house, by reason of that former representation; and such an officer I was myself over that see (whereof I am bishop) some 25 years ago; and might then have been summoned by writ unto this house, at that very time, by reason of the spirituality of that diocese, which then I did, by virtue of the aforesaid office, represent.—Most noble lords, look upon the ark of God representative, that at this time floats in great danger, in this deluge of waters: if there be any Cham, or unclean creature therein, out with him, and let every man bear his own burthen; but save the ark, for God and Christ Jesus his sake, who hath built it in this kingdom, for saving of the people. And your lordships are too wise to conceive that the word and sacraments, the means of our salvation, will be ever effectually received from those ministers, whose persons shall be so vilified and dejected, as to be made no parcels or fragments of this commonwealth: 'No,' saith Gregory, 'the last trick the devil had in this world was this, that, when he could not bring the Word and Sacraments into disgrace by errors and heretical opinions, he invented this project, (and much applauded his wit therein) by casting slight and contempt upon the preachers and ministers.—My noble lords, you are too wise to believe what the common people talk, that we have a vote in the election of knights and burgesses, and, consequently, some figure and representation in the house of commons. They of the ministry have no vote in these elections, they have no representation in that house; and these contrary assertions are so slight and groundless, as I will not offer to give them any answer: and therefore, my lords, have a special care of the Church of England, your mother, in this point; and as God hath made you the most noble of all the peers of the Christian world, so do not you

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give way, that our nobility shall be taught henceforth, as the Romans were, in the time of the first and second Punick wars, by their slaves and bondmen only; and that the church of God, in this island, may come to be served by the most ignoble ministers that ever have been seen in the Christian church, since the passion of our Saviour.—The next thing to be severed from persons in Holy Orders by this bill, is of a much baser metal and alloy, 'Sitting in the Star-Chamber, Sitting at Council-Table, Sitting in Commissions of the Peace, and other Commissions of Secular Affairs.' These are such favours and graces of Christian princes, as the church may have a being and subsistence without them: the fortunes of our Greece do not depend upon these spangles; and the sovereign prince hath imparted and withdrawn these kind of favours, without the envy or regret of any wise ecclesiastical persons. But, my noble lords, this is the case; our king hath, by the statute, restored unto him the headship of the church of England; and, by the word of God, he is 'Custos utriusque tabulæ:' and will your lordships allow this ecclesiastical head, no ecclesiastical senses at all? No ecclesiastical person to be consulted withal, not in any circumstances of time and place? If Cranmer had been thus dealt withal, in the minority of our young Josias, king Edward 6. of pious memory, what had become of that great work of our reformation, in this flourishing church of England? But I know before whom I speak. I do not mean to dine your lordships with coleworts: the harsh consequences of this point your lordships do understand as well as I.—The last robe that some persons, in Holy Orders, are to be stript of, hath a kind of mixture of freehold and favour; proper right, and of the graces of the king. These are certain old Charters, that some few Bishops, and many antient and Cathedral Churches have purchased or procured from the antient kings, before and since the Conquest, to enable them to live quiet in their own precincts and close (as they call it) under a justice or two of their own body, without being abandoned, upon every slight occasion, to the injuries and vexations of mechanical tradesmen; of which, your lordships best know these country incorporations do most consist. Now, whether these few charters have their foundation by favour or by-right, I should conceive, it is neither favour nor right to take them away, without some just crime objected and proved: for, if they be abused in any particular, Mr. Attorney General can find an ordinary remedy to repair the same by a writ of Ad quod damnum, without troubling of the two houses of parliament.—And now I come to the fourth part of this bill, which is the 'Manner of Inhibition;' heavy every way, heavy in the penalty, heavier a great deal in the incapacity, the most weighing of all penalties. Will you consider, I beseech you, the small wires, that is, poor causes, that are to induce the same, and then the heavy lead that hangs upon these wires. It is thus, If a natural subject of England, interested in Magna Charta, and the Petition of Right, as well as any other, yet being a person in Holy Orders, shall happen unfortunately to vote in parliament; to obey his prince, by way of council; or, by way of commissioner, be required thereunto; then is he presently to lose and forfeit, for his first offence, all his means and livelihood for one year; and, for the second, to forfeit his freehold, in that kind, for ever and ever. I do not believe that your lordships ever saw such an heavy weight of censure hang upon such thin wires of reasons, in any act of parliament made heretofore. This, peradventure, may move others most, but it does not me. It is not the penalty, but the incapacity, and, as the philosophers call it, the natural impotency, imposed by this bill on men in Holy Orders, to serve the king or the state in this kind, be they otherwise never so able, never so willing, nor never so virtuous; which makes me draw a kind of Timanthes's Veil over this point, and leave it, without any amplification at all, unto your lordships wise and inward thoughts and considerations.—The fifth point is the 'Salvo' made for the two Universities, to have justices of the peace amongst them of their own heads of houses; which I confess to be done upon mature and just consideration: for, otherwise, the scholars must have gone for justice to those parties to whom they go for their mustard and vinegar: but yet, under favour, the reasons and inducements cannot be stronger, than may be found out for other ecclesiastical persons; as the bishop of Durham, who was, ever since the days of king John, suffered by the princes and parliaments of England, to exercise justice upon the parties in those parts, as being in truth the king's subjects, but the bishops tenants; and therefore not likely to have their causes more duly weighed, than when the balance is left in the hand of their own proper landlords. The case of the bishop of Ely, for some parts of that isle, is not much different; but, if a little partiality doth not herein cast some mist before mine eyes, the case of the dean and city of Westminster, where this parliament is now sitting, is far more considerable, both in the antiquity, extent of jurisdiction, and the warrant whereupon it is grounded, than any one of those places before-mentioned: for there is a clear statute made, in 27 Eliz. for the drawing all Westminster, St. Clement's, and St. Martin's le Grand, London, into a corporation, to be ruled by a dean, a steward, 12 burgesses, and 12 assistants. And if some salve, or plaister, shall not be applied unto Westminster in this point, all that government and corporation is at an end: but this I perceive, since, is taken into consideration by the house of commons themselves.—I come now to the last point, and the second 'Salvo' of this bill; which is for dukes, marquisses, earls, viscounts, barons, or peers of this kingdom, which is a clause that looks with a kind of contrary

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glance upon persons in holy orders. It seems to favour some; but so that thereby, and in that very act, it casts an aspersion of baseness and ignobility upon all the rest of that holy profession: for if no persons in Holy Orders ought to intermeddle in secular affairs, how come these nobles to be excepted out of that universal negative? Is it because they are nobly born? Then, surely, it must be granted that the rest must be excluded, as being made of a rougher and baser piece of clay: for the second part of this reason, in the beginning of the bill, can never bear out this Salvo, 'That the office of the ministry is of so great importance, that it will take up the whole Man, and all his best endeavours.' Surely the office of the ministry is of no greater importance in a poor man, than in a nobleman; nor doth it take away the whole man in the one, and but a piece of him in the other. I cannot give you many instances herein out of scripture, because you know that, in those days, 'not many mighty, not many noble were called.' But when any noble were called, I do not find but they did put more of the whole man and their best endeavours upon the ministry than other men in Holy Orders, are, at the least in Holy Scripture, noted to have done. I put your lordships in mind of those noblemen of Beræa, compared with those of Thessalonica, in the 7th of the Acts of the Apostles: so that this Salvo for the nobility must needs be, a secret wound unto the rest of the ministry; unless your lordships, by your great wisdom, would be willing to change it into a panacea and common plaister, both to the one and the other; and, I conceive it may be done upon a very forcing argument. The office of the ministry is of equal importance, and takes up the whole man and all his best endeavours in the noble-born, as well as in the mean-born minister: but, if it is lawful, all this notwithstanding, for the noble-born ministers to intermeddle with secular affairs; is it not likewise lawful for the mean-born so to do? In my conscience I speak it, in the presence of God and your lordships, it is most lawful for them to intermeddle with secular affairs; if they be not so intangled, as the Apostle calls it, with this intermeddling, as to slight and neglect the office of their calling, which no minister, noble or ignoble, can do without grievously sinning against God and his own conscience. It is lawful for persons in Holy Orders to intermeddle; it is without question; but for them to make provision of meat and drink, as Beza interprets the place, it is not lawful for them to be thus intangled and bound up with secular affairs.—And thus, my noble lords, I shall, without any further molestation, and with humble thanks for your great patience, leave this great cause of the church to your lordships wise and gracious consideration. Here is my Mars-Hill, and further I shall never appeal for justice. Some assurance I have, from the late solemn vote and protestation of both houses, for the maintaining and defending the power and privileges of parliament, that if this bill were now to be framed in the one house, it would never be offered without much qualification, as I persuade myself it will not be approved, in the other.—Parliaments are indeed omnipotent, but no more omnipotent, than God himself; who, for all that, cannot do every thing. God cannot but perform his promise. A parliament, under favour, cannot unswear what it hath already vowed. This is an old maxim, which I have learned of the sages of the law, 'A parliament cannot be felo de se: it cannot destroy or undo itself.' An act of parliament (as that made in the 11th, and another in the 21st Rd. 2.) made to be unrepealable in any subsequent parliament, was, ipso facto, void in the constitution. Why? Because it took away the power and privileges; that is, not the plumes and feathers, the remote accidents, but the very specifical form, essence, and being of a parliament: so, if an act should be made to take away the votes of all the commons, or of all the lords, it were absolutely a void act. I will conclude with the first Epistle to the Corinthians, chap. xii. 15. 'If the foot shall say, because I am not the hand, I am not of the body; is it therefore not of the body? V. 20. But now are they many members, yet but one body. V. 21. And the eye cannot say unto the hand, I have no need of thee; nor again the head unto the feet I have no need of you.'

The Lord *Say and Sele* spoke in answer, as follows:* 'My lords; I shall not need to begin as high as Adam, in answer to what hath been drawn down from thence, by a bishop, concerning this question; for that which is pertinent to it will only be what concerns bishops, as they are ministers of the gospel; what was before, being of another nature, can give no rule to this. The question that will lie before your lordships in passing of this bill, is not, Whether episcopacy (I mean this hierarchical episcopacy which the world now holds forth to us) shall be taken away root and branch; but whether those exuberant and superfluous branches, which draw away the sap from the tree, and divert it from the right and proper use whereby it becomes unfruitful, shall be cut off, as they use to pluck up suckers from the root? The question will be no more but this, Whether bishops shall be reduced to what they were in their first advancement over the presbyters, (which although it were but a human device for the remedy of schism, yet were they in those times least offensive) or continue still, with the addition of such things as their own ambition, and the ignorance and superstition of succeeding times, did add thereunto, and which are now continued for several politic ends: things heterogeneal, and inconsistent with their calling and function, as they are ministers of the gospel; and thereupon, such as ever have been, and ever will be hurtful to themselves, and make

* Printed for Thomas Underhill, anno 1641.

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them hurtful to others in the times and places where they are continued; these things, alone, this bill takes away; that is their offices and places in courts of judicature, and their employments, by obligation of their office, in civil affairs.—I shall insist upon this, to shew 1st, how things hurt themselves; and, 2dly, how they these have made, and ever will make them hurtful to others. They themselves are hurt thereby in their consciences and in their credit: in their consciences, by seeking or admitting things which are inconsistent with that function and office which God hath set them apart unto. They are separated unto a special work, and men must take heed how they misemploy things dedicated and set apart to the service of God. They are called to preach the Gospel, and set apart to the work of the ministry: and the Apostle saith, 'Who is sufficient for these things?' shewing that this requireth the whole man, and all is too little. Therefore, for them to seek, or take, other offices which shall require and tie them to employ their time and studies in the affairs of this world, will draw a guilt upon them, as being inconsistent with that which God doth call them and set them apart unto. In this respect our Saviour hath expressly prohibited it, telling his apostles, 'That they should not lord it over their brethren, nor exercise jurisdiction over them,' as was used in civil government among the heathens. These were called gracious lords, and exercised jurisdiction as lords over others; and sure they might lawfully do so: but, to the ministers of the gospel, our Saviour gives this rule, 'It shall not be so among you:' And, in another place, he saith, 'He that putteth his hand to the plough, and looketh back' (to the things of this world) 'is not fit for the kingdom of God;' that is the preaching of the gospel, as it is usually called.—To be thus withdrawn by intangling themselves with the affairs of this life, by the necessity and duty of an office received from men, from the discharge of that office which God hath called them unto, brings a woe upon them. 'Woe unto me,' saith the Apostle, 'if I preach not the Gospel.' What doth he mean? If I preach not once a quarter, or once a year, in the king's chapel? No; he himself interpreteth it; 'Preach the Word; be instant, in season and out of season; rebuke, exhort, or instruct, with all long suffering and doctrine.'—He that hath an office must attend upon his office, especially this of the ministry. The practice of the apostles is answerable to the direction and doctrine of our Saviour. There never was, nor will be, men of so great abilities and gifts as they were indued withal; yet they thought it so inconsistent with their callings to take places of judicature in civil matters, and secular affairs and employments upon them, that they would not admit of the care and distraction that a business, far more agreeable to their callings, than these would cast upon them; and they give the reason of it in the 6th of Acts, 'It is not reason that we should leave the Word of God, and serve tables.' And again, when they had directed their disciples to chuse men fit for that business, they instituted an office for taking care of the poor, lest they, by it, should be distracted from the principal work of their calling; and then shew how they ought to employ themselves, 'But we will give ourselves continually to prayer, and to the ministry of the Word.' Did the Apostles, men of extraordinary gifts, think it unreasonable for them to be hindered from giving themselves continually to preaching the Word and Prayer, by taking care for the Tables of the poor widows; and can the bishops now think it reasonable, or lawful, for them to contend for sitting at council-table; to govern states; to turn statesmen instead of church-men; to sit in the highest courts of judicature, and to be employed in making laws for civil polities and government? If they shall be thought fit to sit in such places, and will undertake such employments, they must not sit there as ignorant men, but must be knowing men in business of state, and understand the rules and laws of government; and thereby, both their time and studies must be necessarily diverted from that which God hath called them unto: and this, sure, is much more unlawful for them to admit of, than that which the apostles rejected as a distraction unreasonable for them to be interrupted by.—The doctrine of the apostles is agreeable to their practice herein; for Paul when he instructeth Timothy for the work of the ministry, presseth this argument from the example of a good soldier: 'No man that warreth, entangleth himself with the affairs of this life.' Hence I conclude, that what is, by the commandment of our Saviour, by the practice and doctrine of the apostles, and I may add, by the canons of antient councils grounded thereupon, prohibited to the ministers of the gospel, and shewed to be such a distraction unto them from their callings and function, as will bring a woe upon them, is not reasonable for them to admit of: and if they shall, notwithstanding, entangle themselves withall, and enter into, it will bring a guilt upon their souls, and hurt them in respect of their consciences.—In the next place, it doth blemish them, and strike them in their credit. So far from truth is that position which they desire to possess the world withall, 'That unless they may have these outward trappings of worldly pomp added to the ministry, that calling will grow into contempt, and 'be despised:' for the truth is, these things cast contempt upon them in the eyes of men; they gain them cap and courtesy, but they have cast them out of the consciences of men. The reason of this is plain: every thing is esteemed as it is eminent in its own proper excellency; the eye in seeing, not in hearing; the ear in hearing, not in speaking; the one would be rather monstrous than comely; the other is ever acceptable, being proper. So is it with them: their proper excellency is spiritual; the denial of the world, with the pomp and preferments, and employments thereof. This they

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should teach and practice: but when they, contrary hereunto, seek after a worldly excellency, like the great men of the world, and to rule and domineer as they do, contrary to our Saviour's precept, 'It shall not be so amongst you'; instead of honour and esteem they have brought upon themselves, in the hearts of the people, that contempt and odium which they now lie under: and that justly and necessarily, because the world seeth that they prefer a worldly excellency, and run after it, and contend for it, before their own; which being spiritual, is far more excellent; and which, being proper to the ministry, is that alone which will put a value and esteem upon them that are of that calling.—As these things hurt themselves in their consciences and credit, so have they made, and, if they be continued, still will make them hurtful to others: the reason is, because they break out of their own orb, and move irregularly, there is a curse upon their leaving of their own place. The heavenly bodies, while they keep within their own spheres, give light and comfort to the world; but if they should break out, and fall from their regular and proper motions, they would set the world on fire: so have these done. While they kept themselves to the work of their ministry alone, and gave themselves to prayer, and the ministry of the word, according to the example of the Apostles, the world received the greatest benefits by them; they were the light and life thereof: but when their ambition cast them down, like stars from heaven to earth, and they did grow, once, to be advanced above their brethren, I do appeal to all who have been versed in the ancient ecclesiastical stories, or modern histories, whether they have not been the common incendiaries of the Christian World; never ceasing from contention, one with another, about the precedency of their sees and churches; excommunicating one another; drawing princes to be parties with them, and thereby casting them into bloody wars. Their ambition, and intermeddling with secular affairs and state business, hath been the cause of shedding more Christian blood than any thing else in the Christian world; and this no man can deny that is versed in history. But, we need not go out of our own kingdom for examples of their insolency and cruelty. When they had a dependency upon the Pope and any footing thereby out of the land, there were never any that carried themselves with so much scorn and insolency towards the princes of this kingdom, as they have done: some of these the bishop, that last spake, hath named; but instances of many more may be given, whereof there would be no end.—Although the Pope be cast off, yet now there is another inconvenience, no less prejudicial to the kingdom, by their sitting in this house; and that is, they have such an absolute dependency upon the king that they sit not here as freemen. That which is requisite to freedom, is to be void of hopes and fears. He that can lay down these is a freeman, and will be so in this house: but for the bishops, as the case stands with them, it is not likely they will lay aside their hopes, greater bishopricks being still in expectancy: And for their fears, they cannot lay them down, since their places and seats in parliament are not invested in them by blood, and so hereditary; but by annexation of a barony to their office, and depending upon that office; so that they may be deprived of their office, and thereby of their places, at the king's pleasure. They do not so much as sit here dum bene se gesserint, as the judges now, by your lordships Petition to the king, (See p. 702), have their places granted them; but at will and pleasure: And therefore, as they were all excluded by Edw 1. as long as he pleased, and laws made excluso clero; so may they be by any king, at his pleasure in like manner. They must needs, therefore, be in an absolute dependency upon the crown, and thereby at devotion for their votes; which how prejudicial it hath been, and will be, to this house, I need not say. I have now shewed your lordships how hurtful to themselves and others these things, which this bill would take away, have been. I will only answer some Objections which I have met withall, and then crave your pardon for troubling you so long. Obj. 1. It will be said that they have been very antient. 2. That they are established by law. 3. That it may be an infringment to the privileges of the house of peers, for the house of commons to send up a bill to take away some of their members. To these 3 Objections the Answers will be easy. To the 1st; Antiquity is no good plea: for that which is, by experience, found to be hurtful, the longer it hath done hurt, the more cause there is now to remove it, that it may do so no more: Besides, other irregularities are as antient which have been thought fit to be redressed; and this is not so antient, but that it may truly be said, non fuit sic ab initio. 2. For being established by law: The law-makers have the same power, and the same charge to alter old laws that are inconvenient, as to make new that are necessary. 3. For privilege of the house: It can be no breach of it; for either estate may propose to other, by way of bill, what they conceive to be for public good; and they have power, respectively, of accepting or refusing.—There are two other Objections which may seem to have more force but they will receive satisfactory Answers. The one is, 'That if they may remove bishops, they will, next time, remove barons and earls.' For Answer to this: The reason is not the same; the one sitting by an honour invested in their blood, and hereditary; which though it be in the king to grant alone, yet, being once granted, he cannot take away; The other sitting by a barony depending upon an office which may be taken away; for if they be deprived of their office, they sit not, And their sitting is not so essential, for laws have been, and may be made, they being all excluded; but it can never be shewed, that ever there were laws made by the king and them, the lords and earls excluded. The other Objection is

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this, That this bill alters the foundation of this house; and innovations, which shake foundations, are dangerous.' I answer, '1. That if there be an error in the foundation, when this shall be found, and the master-builders be met together, they may, nay, they ought rather to amend it, than to suffer it to run on still to the prejudice and danger of the whole structure. 2. I say this is not fundamental to this house, for it hath stood without them, and done all that appertains to the power thereof without them; yea, they being wholly excluded: and that which hath been done, for a time, at the king's pleasure, may be done with as little danger for a longer time; and, when it appears to be fit and for public good, not only may, but ought to be done altogether, by the supreme power.'

The Lord *Newark* spoke as follows *; 'My lords; I shall not speak to the preamble of the bill, 'That bishops and clergymen ought not to intermeddle in temporal affairs;' for truly, my lords, I cannot bring it, under any respect, to be spoken of. *Ought* is a word of relation, and must either refer to human or divine law: to prove the lawfulness of their intermeddling by the former, would be to no more purpose, than to labour to convince that by reason, which is evident to sense: it is by all acknowledged. The unlawfulness by the latter, the bill by no means admits of; for it excepts universities, and such persons as shall have honour descend upon them: and your lordships know that circumstance and chance alter not the nature and essence of a thing, nor can except any particular from an universal proposition by God himself delivered. I will therefore take these two as granted; 1. That they ought by our law to intermeddle in temporal affairs. 2. That, from doing so, they are not inhibited by the law of God, which leaves it, at least, as a thing indifferent.—Now my lords, I shall consider the conveniency, and that in the several habitudes thereof, but very briefly; 1. In that which it hath to them meerly as men, *qua tales*. 2. As parts of the common-wealth. 3. From the best manner of constituting Laws. And, 4. From the practice of all times, both Christian and heathen. 'Homo sum, nihil humani à me alienum puto,' was indeed the saying of the comedian; but it might have well become the mouth of the greatest philosopher. We allow to sense all the works and operations of sense, and shall we restrain reason? Must only man be hindered from his proper actions? They are most fit to do reasonable things that are most reasonable. For science commonly is accompanied with conscience; so is not ignorance: they seldom or never meet. And why should we take that capacity from them, which God and nature have so liberally bestowed? My lords the politick body of the common-wealth is analogical to the body natural; every member in that contributes something to the preservation of the whole: the superfluity or defect which hinders the performance of that duty, your lordships know is what the philosopher calls ἁμαρτίαν τῆς φύσεως, nature's sin. And truly, my lords, to be part of the other body, and do nothing beneficial thereunto, cannot fall under a milder term. The common-wealth subsists by laws and their execution; and they that have neither head in the making, nor hand in executing of them, confer not any thing to the being or well-being thereof. And can such be called members, unless most unprofitable ones? Only '*Fruges consumere nati!*' Methinks it springs from nature itself, or the very depths of justice, that none should be tied by other laws than himself makes; for what more natural or just, than to be bound only by his own consent? To be ruled by any other's will is merely tyrannical. Nature there suffers violence, and man degenerates into beast. The most flourishing estates were ever govern'd by laws of an universal constitution: witness this our kingdom; witness senatus populusque Romanus, the most glorious common-wealth that ever was; and those many others in Greece, and elsewhere, of eternal memory.—Some things, my lords, are so evident in themselves that they are difficult in their proofs. Amongst them I reckon this conveniency I have spoken of. The long experience that all Christendom hath had thereof, for these 1300 years, is certainly argumentum ad hominem. Nay, my lords, I will go further, (for the same reason runs through all religions) never was there any nation that employed not their religious men in the greatest affairs.—But to come to the business that now lies before your lordships. Bishops have voted here ever since parliament began, and long before were employed by the public. The good they have done your lordships all well know, and at this day enjoy; for this I hope you will not put them out; nor for the evil they may do, which yet your lordships do not know, and I am confident never shall suffer. A position ought not to be destroyed by a supposition; 'et à posse ad esse non valet consequentia.'—My Lords, I have done with proving of this positively; I shall now, do it negatively, in answering some inconveniencies that may seem to arise. For the text, 'No Man that wars intangles himself with the affairs of this Life,' which is the full sense of the words both in Greek and Latin, it makes not at all against them; except to Intermeddle, and Intangle, be terms equivalent. Besides, my lords, though this was directed to a churchman, yet it is of a general nature and reaches to all, clergy and laity, as the most learned and best expositors unanimously do agree. To end this, 'Augmentum symbolicum non est argumentativum.'—It may be said, 'That it is inconsistent with a spiritual vocation:' truly, my lords, grace and nature are, in some respects, incompossible; but, in some others, most harmoniously agree. It perfects nature, raises it to a height above the common

* From the Original Edition, printed by Abel Roper, 1641.

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altitude, and makes it most fit for those great works of God himself, to make laws, to do justice. There is then no inconsistency between themselves, it must arise out of scripture. I am confident it doth not, formally, out of any place there; nor did I ever meet with any learned writer, of these or other times, that so expounded any text.—But it may be said, 'That though, in strict terms, this be not inconsistent, yet it may, peradventure, hinder the duty of their other calling.' My lords, there is none that sits here more for preaching than I am. I know it is the ordinary means to salvation; yet I likewise know, there is not that full necessity for it as was in the primitive times. God forbid that 1600 years acquaintance should make the Gospel of Christ no better known unto us. Neither, my lords, doth their office meerly and wholly consist in preaching; but partly in that; partly in prayer and administring the blessed sacraments; in a godly and exemplary life; in wholesome admonitions; in exhortations to virtue; dehortations from vice; and, partly, in easing the burdened conscience. These, compleat the office of a churchman. Nor are they altogether tied to time or place; though I confess they are, most properly, exercised within their own verge, except upon good occasion; nor then can the omission of some be termed the breach of them all. I must add one more, (an essential one, the very form of episcopacy, that distinguisheth it from the inferior ministry) the orderly and good government of the church. And how many of these (I am sure not the last) my lords, are interrupted by their sitting here once in three years; and then, peradventure, but a very short time? And can there be a greater occasion than the common good of the church and state? I will tell your lordships what the great and good emperor Constantine did, in his expedition against the Persians; he had his bishops with him, whom he consulted about his military affairs, as Eusebius has it in his Life.—Rewards and punishments are the great negotiators in all worldly businesses. These may be said to make the bishops swim against the stream of their consciences, and may not the same be said of the laity? Have these no operations but only upon them? Has the king neither frown, honour, nor offices, but only for bishops? Is there nothing that answers their translations? Indeed, my lords, I must needs say, that, in charity, it is a supposition not to be supposed; no, nor in reason, that they will go against the light of their understandings. The holiness of their calling; their knowledge; their freedom from passions and affections, to which youth is very obnoxious; their vicinity to the gates of death, which, though not shut to any, yet always stands wide open to old age: these my lords, will surely make them steer aright.—But of matter of fact there is no disputation. It is said, 'some of them have done ill:' but, 'Crimine ab uno discere omnes,' is a poetical, not a logical argument. Some of the judges have done so; some of the magistrates and officers; and shall there be therefore neither judge, magistrate, nor officer more? A personal crime goes not beyond the person that commits it; nor can another's fault be my offence. If they have contracted any filth or corruption, through their own or the vice of the times, cleanse and purge them thoroughly: but still remember the great difference between reformation and extirpation; and be pleased to think of your Triennial Bill, which will save you this labour for the time to come. Fear of punishment will keep them in order, if they should not themselves through the love of virtue.—I have now, my lords, according to my poor ability, both shewed the conveniences, and answered those inconveniences, that seem to make against them. I should now propose those that make for them; as their falling into a condition worse than slaves, not represented by any; and then the dangers and inconveniences that may happen unto your lordships; but I have done this heretofore, and will not offer your lordships Cramben bis coctam.'

The house being resumed, it was resolved, 1. "That the Archbishops and Bishops shall have suffrage and voice in the house of peers in parliament. 2. That they shall not have suffrage and voice in the court of Star-Chamber, when they are called. 3. That no archbishop or bishop, or other person in Holy Orders, shall be Justices of the Peace. 4. That no archbishop &c. shall be of the privy council to the king, or to his successors."

May 27. The lords debated the bill 'For restraining Bishops and others in Holy Orders, from intermeddling in Secular Affairs:' and a question arising, Whether the restraints in the said bill did extend to their right of sitting and voting in parliament, which, by the common and statute laws of this realm, and by an antient and continued practice, was unquestionable? The lords resolved, That a conference be desired with the commons about it; and a message was sent down to them for that purpose.

Sir Edw. Dering brings in a Bill for the utter abolishing of Bishops, Deans, Prebendaries, &c.] May 27. A bill 'For the utter abolishing and taking away of all Archbishops, Bishops, their Chancellors and Commissaries; Deans, Deans and Chapters; Arch-Deacons, Prebendaries, Chanters, Canons, and all other their Under-Officers,' was brought into the House of Commons. It was introduced by sir Edward Dering; who, in a Collection of his Speeches, published by himself,* makes the following apology for it. "This bill was pressed into my hand by sir Arthur Haslerig, being then brought unto him by sir Henry Vane and Mr. Oliver Cromwell. He told me, he was resolved that it should go in, but was earnestly urgent that I would present it. The bill did hardly stay in my hand so long as to make a hasty perusal. Whilst I was overviewing

* London, printed by F. Eglesfield, 1642.

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it, Sir Edward Ayscough delivered a petition out of Lincolnshire, which was seconded by Mr. Strode, in such a sort, as that I had a fair invitement to issue forth the bill then in my hand. Hereupon I stood up and said this, which, immediately after, I reduced into writing."

'Mr. Speaker; The gentleman that spake last, taking notice of the multitude of complaints and complainants against the present government of the church, doth somewhat seem to wonder that we have no more pursuit ready against the persons offending. Sir, the time is present, and the work is ready, perhaps beyond his expectation. Sir, I am now the instrument to present unto you a very short, but a very sharp, bill; such as these times and their sad necessities have brought forth. It speaks a free language, and makes a bold request: it is a purging bill. I give it you as I take physick; not for delight, but for a cure: a cure now: the last and only cure, if, as I hope, all other remedies have first been tried,

Cuncta prius tentanda, sed immedicabile Vulnus
Ense recidendum est, ne pars sincera trahatur."

I never was for ruin, so long as I could hold any hope of reforming. My hopes that way are even almost withered. This bill is intitled, 'An Act for the utter abolishing and taking away of all Archbishops, Bishops, their Chancellors and Commissaries; Deans, Deans and Chapters, Archdeacons, Prebendaries, Chanters, Canons, and all other their Under-Officers.' Sir, you see their demerits have exposed them; publici odii piaculares victimas. I am sorry they are so ill; I am more sorry that they will not be content to be bettered; which I did hope would have been effected by our last bill. When this bill is perfected, I shall give a said *Aye* unto it: and, at the delivery thereof, I do now profess before-hand that if my former hopes of a full reformation may yet revive and prosper, I will again divide my sense upon this bill, and yield my shoulders to under-prop the primitive, lawful, and just episcopacy; yet so, as that I will never be wanting, with my utmost pains and prayers, to root out all the undue adjuncts to it, and superstructures on it. I beseech you read the bill, and weigh well the work.'—The bill was read a first time, and the question being put, whether it should be then read a second time? it was carried for the reading of it, on a division, 139 against 108.

Mr. Taylor expelled for Expressions relating to Lord Strafford's Execution.] Mr. Taylor, burgess for Windsor, was brought upon his knees in the house of commons, for speaking the following words, in disparagement of the whole house, about the earl of Strafford's death, viz. "They had committed murder with the sword of justice; and that he would not for a world have so much blood lie on his conscience, as did on theirs for that sentence:" which words being proved against him by the mayor of Windsor (to whom he spoke it) and some others, he was expelled the house, and voted incapable of ever being a parliament-man; committed to the Tower during pleasure; to be carried down to Windsor, there to make recantation for those words, and to return back to do the same at the bar; and it was ordered that a writ should presently issue out for a new election in his room.

The Lord's Reasons for retaining the Bishops Votes in Parliament.] June 3. Mr. Pierepoint reported the conference with the lords, concerning the bill for disabling Bishops to vote in the House of Peers, viz. "That their lordships conceive that the commons understand not that 'Unlawfulness to have any vote there,' means to be contrary to any law, but of convenience or inconvenience; because, if they had absolutely thought it unlawful, they would not have made exception of the universities, and of such of the nobility as should happen to be in Holy Orders. And for the bishops right to sit and vote in parliament; their lordships conceive, that, both by the common law, statutes, and constant practice, there is no question of it. As for inconveniences; their lordships did not yet understand any such, that might induce them to deprive the bishops and their successors of the right of voting in parliament; but if there be such, which they yet know not, they will be willing to hear them, and take it into consideration. For their votes in the Star-Chamber, Council-Table, or any office in Secular Affairs, they have fully consented to the desires of the commons. Their lordships have excepted the dean of Westminster, as being a corporation confirmed by act of parliament, 27 Eliz. As also that of Durham, Ely, and Hexham, and the several jurisdictions of those bishops to keep Courts Baron there by their stewards, &c. and all other courts executed by temporal officers; which their lordships conceive not to be contrary to this bill."

The Commons' Answer thereto.] June 4. The commons took into consideration the foregoing Reasons offered by the lords at the conference; and it was agreed to offer these Reasons, in Answer to them, at another conference, viz. 1. "That it was a very great hindrance to the exercise of their ministerial function. 2. Because they do vow and undertake at their ordination, when they enter into Holy Orders, that they will give themselves wholly to that vocation. 3. Because Councils and Canons, in several ages, do forbid them to meddle with Secular Affairs. 4. Because the 24 bishops have a dependency upon the two archbishops, and because of their oath of canonical obedience to them. 5. Because they are but for their lives, and therefore unfit to have a legislative power over the honours, inheritance, persons, and liberty of others. 6. Because of bishops dependences and expectances of translations to places of greater profit. 7. That several bishops have, of late, much incroached upon the consciences and properties of the subjects; and they and their successors will be much encouraged still

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to encroach, and the subjects will be much discouraged from complaining against such encroachments, when they are judges of those complaints. The same reason extends to their legislative power, in any bill to pass for the regulation of their power, upon any emergent inconveniency by it. 8. Because the whole number of them is interested to maintain the jurisdiction of bishops; which hath been found so grievous to the three kingdoms, that Scotland hath utterly abolished it, and multitudes in England and Ireland have petitioned against it. 9. Because the bishops being lords of parliament, it setteth too great distance between them and the rest of their brethren in the ministry; which occasioneth pride in them, discontent in others, and disquiet in the church.—As to their having votes a long time since; the Answer is If inconvenient, time and usage are not to be considered with lawmakers; some abbots voted in parliament as antient as bishops, yet are taken away. For particular jurisdictions, as the deanry of Westminster, the bishops of Durham and Ely, the archbishop of York, which they are to execute in their own persons, the former reason shews the inconveniency of them. For their temporal courts and jurisdictions, which are executed by their temporal officers, the bill doth not concern them. Nor doth it reach to those certificates of plenarty of benefices, legality of marriages, and the like, which bishops make and return by course of common law. The argument taken from the canons and laws ecclesiastical, must be considered as a fight against the bishops with their own weapons; a kind of Goliah's sword, to cut off Goliah's head: but not as though the house of commons did thereby justify the legality of any of them. The proviso for the universities and temporal lords may stand in the bill, if their lordships so please. To this may be added, that there was an act preparing for regulating the universities, and this proviso is but permitted to stay there till the act be effected."

The same day these Reasons of the commons were reported to the lords by the bishop of Lincoln. They are also entered in the Journals of the commons, with this addition, "The question being put, Whether the two provisoes in the bill, relating to the universities, and to noblemen in orders, should be laid aside? It was carried, on a division, in the affirmative, 148 against 139."

Lay-Preachers reprimanded by the Commons.] June 7. One Robinson, a clerk in the custom-house; John Spencer, a horse-courser; Adam Banks, a stocking-seller; John Durant and one Green, being complained against for preaching; being meer laymen, and who had been sent for by order of the house, were called in, and Mr. Speaker gave them a sharp reprehension, telling them, 'That the house had a general distaste at this their proceedings; and that if they should offend, at any time in the like kind again, this house would take care they should be severely punished."

The Bill for restraining Bishops, &c. rejected by the Lords.] The same day, the Bill 'For restraining Bishops, and others in Holy Orders, from intermeddling with Secular Affairs, was read a third time in the lords; and, the question being put, Whether the said bill should pass into a law? it was carried in the negative, by a great majority. It is observable, that the house of lords had a strict call of their members the day before; so that it is probable the whole strength of each party was exerted upon this occasion.—Their lordships also "Ordered and declared, That reading of formal Speeches and Answers out of papers in this house, is no parliamentary way." Probably this was occasioned by the long speeches we have before given upon this subject.

Report from the Committee on the Plot.] June 8. Mr. Fiennes, member for Banbury, reported from the secret committee matters concerning the Tower of London; the French; the flight of the gentlemen accused of a conspiracy in the army, to bring them up to awe the parliament; the earl of Strafford's design to have made his escape, had he not been prevented; the Papists resorting into Hampshire towards Portsmouth, and the fortifying of it; Mr. Jermyn's desire to get Portsmouth into his hands; and the French troops drawing down to Calais, Dieppe, and Granville.

Exceptions against an Expression of Lord Digby.] In the debate thereon, exceptions were taken at the lord Digby, for words spoken concerning an oath, which colonel Goring confessed he had taken to be secret, saying, 'He was a perjured man.' After a warm debate upon it, and he had in his place explained himself, by saying, 'He thought Mr. Goring deserved no better appellation, since it appeared, by his own confession, that he entered into the oath of secrecy purposely with an intention to discover the confederacy;' yet the house not being satisfied with it, he was ordered to withdraw.

Sir Wm. Widdrington and Mr. H. Price bring in Candles without an Order.] The commons sitting late upon this affair of lord Digby, some members called for Candles, which the major part opposed, being inclined to rise; but, by mistake, the candles being brought in, and sir Wm. Widdrington and Mr. Herbert Price, taking them from the serjeant, without a general command, it occasioned great disturbance in the house. The next morning exceptions being taken against them, Mr. Denzil Hollis made a speech in aggravation of their offence, shewing, 'That the house of commons, being a rule and example of order, there ought to be no disorders within those walls; for that if there were such within, well might it be expected there would be without; and that it might be the occasion of shedding much blood among themselves, if, upon such a difference, parties should have sided one against another; and moved that they should, for their offence to this house, be sent to the Tower, there to remain during the

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pleasure of the house;' which was agreed to by a majority of 169 voices against 172. The Journals add, 'That sir Wm. Widdrington and Mr. H. Price were called to the bar, and there ordered to kneel; but because they did not kneel, they were caused to withdraw; and after debate in the house concerning their coming and kneeling, they were again called to the bar; and there, they kneeling all the while, Mr. Speaker pronounced the sentence against them.—Then it was further resolved, 'That colonel Goring, in this deposition of his, concerning this discovery, has done nothing contrary to justice and honour; but has therein deserved very well of the commonwealth, and of this house.'—The affair of lord Digby was referred to a committee.

A Narrative of the before-mentioned Plot.] Frequent mention having been made of this Plot, which so greatly alarmed the whole nation, a brief account of it may not be improper; as tending to explain many passages in the proceedings of both houses at this juncture. This we shall do from the Memoirs of the Earl of Manchester, in his own words:* "To prevent the earl of Strafford's death, several designs had been upon the wheel, but all failed; therefore it was consulted how to engage the army in the North to serve the king, in order to his freedom from the parliament's fetters, 'pour mettre le Roi hors de Peine,' as the royalists termed it. This occasioned several addresses to the principal commanders in the North; but they were fearful and backward to entertain any motions or propositions, which might put them upon a breach with the parliament. But Mr. Percy and Mr. Jermyn finding a great discontent in those commanders of the army who were members of parliament; as colonels Wilmot, Ashburnham, and Pollard, who thought that their services had merited much better of the parliament, than that the Scots officers and Scots army should be preferred before them, in their gratuities and in their pay: and those commanders owning that the parliament had disobliged them, this gave Mr. Percy a rise to press with greater earnestness his design of engaging them to serve the king; and, to that end, an oath of secrecy was framed, and others were admitted into their confederacy, as Mr. Jermyn and Mr. Goring, and propositions were framed. But it fell out in this, as in most conspiracies of the like nature, that though the same oath was taken by all that met together, yet it was not taken by all with the same persuasion or intention: for colonel Goring, whose ambition was not answered in being promised the place of lieut. general of the army, and finding others employed whose persons he disliked, having a full information from Mr. Percy and Mr. Jermyn of all the design, thought it would tend most to his security and advantage to reveal the conspiracy; and, being versed in all the methods of falshood, he chose the time and means which he thought would be most acceptable and obliging to the parliament. He therefore first imparts it to the earl of Newport, who was his particular friend; and desired him to bring him to some other lords of the parliament, such as might be most likely to prevent that mischief which was intended: and, accordingly, the next day, about evening, the lord Newport brought him to the earl of Bedford and the lord Mandeville, to whom he first made a protestation of his fidelity to the parliament, and of his readiness to run all hazards for the safety of it: then he imparted the substance of the design, and desired them to make what use of it they thought fit for their own and the commonwealth's security; but not to bring him as the accuser of the persons, except necessity did require it. The lords, who had this design revealed unto them, thought it necessary to discharge themselves, and communicated it to some members of the house of commons, by whose advice it was agreed, That Goring should repair to his government at Portsmouth, and that so soon as he was gone, the persons whom he had discovered to be actors in this design should be apprehended; but private notice being given to Percy and Jermyn, they prevented the justice of the parliament by their escape out of England. Mr. Percy, with some difficulty and hazard, took shipping in a private port in Sussex; Mr. Jermyn ventured upon Goring's faithfulness to him, and brought unto him a warrant, under the king's hand, to see him safely transported in one of his frigates, which he obeyed with care and readiness; though, at the same time, the parliament had sent orders to him, by commissioners authorized under the great seal, according the king's direction, to apprehend him; but he pretended the orders came not time enough; and, at the same time, he took an oath, which was administered by the king's authority under the great seal, to be true and faithful to the king and parliament, and keep the town of Portsmouth for their use, and not to deliver it but by both their consents. The Plot being made known to the commons, they resented it as a thing of very dangerous consequence; and found it necessary therefore that Mr. Goring should own the discovery of the design. He was immediately sent for by the house, whereof he was a member; and being present there, he was commanded to declare his knowledge of the design. Upon this command he expressed himself in these terms:—

"Having been told, that there was an intention to unite the forces of our army, and to put them into a posture of being able (if not purpose of being willing) to interpose in the proceedings of parliament, I hearkened to the propositions of soliciting a redress for the miseries of the soldiery; being the first step to this, in respect of the present necessities of it, not any future consequence of trouble to those that were to procure our relief: but, lest the manner of asking this, or the effect of it,

* See Nalson's Collections, Vol. II. p. 272.

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being obtained, might be less just than the thing itself which was desired; and I might be involved in their crimes that had further ends, perhaps, than meerly the redress of our army's grievances, I thought it not amiss to take some witness of my integrity along with me; and spake to a noble lord the very same day: I assured him there were some officers of the army, that were least thought on, that had not the greatest zeal to the proceedings of this house; and I thought there would be an occasion to let him know more of it within few days. After this, Mr. Jermyn and I were admitted into a consultation, where we were tied to secrecy by an oath, in the company of those gentlemen I have named in my depositions; where their purpose was declared to us in some propositions, which were to this effect: 1. Putting the army into a posture to serve the king. 2. Tendering a declaration to the parliament, containing, That no act of parliament should be made contrary to any former act, wherein it was expressed, that episcopacy should be kept up as it is now. 3. That the king's revenue should be established.—This I thought unlawful for our undertakings, since they intended to interpose in the determinations of this house; and it belongs to an army to maintain, not to contrive the acts of state. I objected therefore against their propositions, and more the follies and difficulties, than the irregularities of them; not only because I thought reason a greater argument with them, than conscience, but because I was so unhappy, of the two, to be thought a worse commonwealth's man than a soldier; and, in that quality, could procure most credit for my words. I endeavoured to shew them, that as the design would be impious, if the most desperate counsels had been followed, so it would have been the weakest that ever was undertaken, if they were omitted. And whereas I am said to have a part in this violent counsel; till the day before this meeting I never heard a word of it; and knew not, when I came to the room, whether theirs were not the same with the other: this they may witness for me; and that I declared I would have to do with neither; and that I expressed contempt of our meeting in that manner. But I rely upon the testimony of some noble lords of his majesty's council, and others, how I protested against all those violent counsels, even in the birth of them; and with what piety I looked towards the person of his majesty, and the whole kingdom, in this business. I appeal also to them and some members of this house, what my carriage was towards these gentlemen that were embarked in these undertakings; intending rather to prevent a mischief, by abandoning their counsels, than to ruin them by disclosing them. But mistake me not; for had I known of any former Plot proceeded in, that could indanger or disturb the quiet of his majesty, or the peace of the kingdom, I should not have been contented with declaring mine own innocency; nor have staid till the commands of this house, or an oath, extorted from me a discovery; but, by a hasty open declaration, have broke the laws of amity and friendship, and all former ties, to preserve the duty of a subject; and as freely exposed the knowledge of all to the view of the world, as I have been tender in publishing these purposes, even to my nearest friends, which had weight enough to crush nothing but the undertakers of it. And certainly, if they had staid where I left them, there was no conclusion at all. It appears there were two several intentions digested by others before they were communicated to me; and I know not whether my hearkening to them was a fault, but I am sure it was a misfortune."

Lord Digby call'd up to the House of Peers.] June 10. This day the lord Digby eldest son of the earl of Bristol, one of the knights for Dorsetshire, whose case, before-mentioned, the commons had referred to a committee, was introduced into the house of lords, (his writ bearing date the day before) as appears by the Journals of that house. Dr. Nalson says, "That the very same day on which he was introduced into the house of lords, he was expelled the house of commons, as unworthy to continue any longer a member of it:" But of this there is no entry in their Journals; only an Order for the issuing out a writ for Dorsetshire in his room, without the least mention whether the vacancy was occasioned by expulsion or promotion: however, we find that the same day the lords made an order, That the lord Digby be added to all their standing committees. But though his lordship was thus preferred out of the way of the commons, their resentment of his behaviour in their house did not stop here, as will appear in the sequel.

Debate on the Bill for Abolishing Bishops, &c.] June 11. The commons in a grand committee, of which Mr. Hyde was chairman, resumed the consideration of the bill against Episcopacy; after a debate, which lasted from 7 in the morning till night, it was resolved, That the preamble of the bill should be as follows: "Whereas the government of the church of England, by Archbishops, Bishops, their Chancellors and Commissaries, Deans, Archdeacons, and other ecclesiastical officers, hath been found, by long experience, to be a great impediment to the perfect reformation and growth of religion, and very prejudicial to the civil state and government of this kingdom," &c.

The next day the committee proceeded farther in the said bill: this was distinguished from the former (which was only called a bill 'For restraining of Bishops, and others in Holy Orders, from intermeddling in Secular Affairs') by the term of 'The Root and Branch Bill.' We meet with the following speeches upon this occasion, which are omitted in Rushworth's Collections:

Sir *Henry Vane*, member for Wilton, spoke in favour of the bill, thus; * 'Mr. Hyde: The

* From the original edition, printed for T. Underhill, 1641.

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debate we are now upon is, Whether the government by archbishops, bishops, chancellors, &c. should be taken away out of the church and kingdom of England. For the right stating whereof, we must remember the vote that passed yesterday, not only by this committee, but the house; which was to this effect, 'That this government has been found, by long experience, to be a great impediment to the perfect reformation and growth of religion, and very prejudicial to the civil state.—So that then the question will lie thus before us; Whether a government, which long experience hath set so ill a character upon, importing danger not only to our religion but the civil state, should be any longer continued amongst us, or be utterly abolished? For my own part, I am of the opinion of those who conceive, that the strength of reason, already set down in the preamble to this bill by yesterday's vote, is a necessary decision of this question: for one of the main ends for which church government is set up, is to advance and further the perfect reformation and growth of religion; which we have already voted this government doth contradict: so that it is destructive to the very end for which it should be, and is, most necessary and desirable; in which respect, certainly, we have cause enough to lay it aside, not only as useless, in that it attains not its end; but as dangerous, in that it destroys and contradicts it.—In the 2nd place, we have voted it prejudicial to the civil state: as having so ill and so powerful an influence upon our laws, the prerogative of the king, and liberties of the subject, that it is like a spreading leprosy, which leaves nothing untainted and uninfected which it comes near. May we not therefore well say of this government, as our Saviour speaks of salt, (give me leave upon this occasion to make use of Scripture, as well as others have done in this debate) where it is said that salt is good; 'but if the salt hath lost its savour, wherewith shall it be salted? It is thenceforth good for nothing, but to be cast out, and to be trodden under foot of men.' So church government, in the general, is good, and that which is necessary, and which we all desire; but when any particular form of it hath once lost its savour, by being destructive to its own ends for which it is set up, (as by our vote already past, we say this hath) then surely, sir, we have no more to do but to cast it out; and endeavour, the best we can, to provide ourselves a better.—But to this it hath been said, 'That the government now in question may be so amended and reformed, that it needs not be pulled quite down or abolished, because it is conceived it hath no original sin or evil in it; or, if it have, it is said regeneration will take that away.' Unto which I answer, I do consent that we should do with this government, as we are done by in regeneration in which all old things are to pass away, and all things are to become new; and this we must do, if we desire a perfect reformation and growth of our religion, or good to our civil state: for the whole fabrick of this building is so rotten and corrupt, from the very foundation of it to the top, that if we pull it not down now, it will fall about the ears of all those that endeavour it, within a very few years.—The universal rottenness or corruption of this government, will most evidently appear by a disquisition into these ensuing particulars. 1st, Let us consider in what soil this root grows: is it not in the Pope's paradise? Do not one and the same principles and grounds maintain the Papacy, or universal bishop, as do our Diocesan or Metropolitan bishops? All these authorities, which have been brought us out of the Fathers and antiquity, will they not as well, if not better, support the Popedom as the order of our bishops? So likewise all these arguments for its agreeableness to monarchy, and cure of schism, do they not much more strongly hold for the acknowledgment of the Pope than for our bishops? And yet have monarchies been ever a whit the more absolute for the Pope's universal monarchy, or their kingdoms less subject to schisms and seditions? Whatsoever other kingdoms have been, I am sure our histories can tell us this kingdom hath not; and therefore we have cast him off long since, as he is foreign, though we have not been without one in our own bowels: for the difference between a metropolitan, diocesan, or universal bishop, is not of kinds but of degrees: and a metropolitan or diocesan bishop is as ill able to perform the duty of a pastor to his diocese or province, as the universal bishop is able to do it to the whole world; for the one cannot do but by deputies, and no more can the other: and therefore, since we all confess the grounds upon which the papacy stands are rotten, how can we deny but these that maintain our bishops are so too, since they are one and the same? —2. Let us consider by what hand this root of Episcopacy was planted, and how it came into the church. It is no difficult matter to find this out; for is not the very spirit of this order a spirit of pride, 'exalting itself, in the Temple of God over all that is called God? First exalting itself above its fellow-presbyters, under the form of a bishop; then over its fellow bishops, under the title of archbishops; and so still mounting over those of its own profession, under the title of cardinal, till it comes to be Pope; and then it sticks not to tread upon the necks of princes, kings, and emperors, and trample them under its feet. Also thus you may trace it from its first rise, and discern by what spirit this order came into the church, and by what doors, even by the back-door of pride and ambition, not by Christ Jesus. It is not a plant which God's Right Hand hath planted, but is full of rottenness and corruption; that mystery of iniquity which hath wrought thus long, and so fit to be plucked up, and removed out of the way.—3. Let us consider the very nature and quality of this tree, or root in itself, whether it be good or corrupt in its own nature. We all know where

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it is said, 'A good tree cannot bring forth corrupt fruit, nor a corrupt tree good fruit. Do men gather grapes of thorns, or figs of thistles?' By its fruits therefore we shall be sure to know it; and according as the fruits of its government have been amongst us, either in church or common-wealth, so let it stand or fall with us.—As this kind of government itself came in by the back-door into the church, and was brought in by the spirit of antichrist; so it hath been the back-door and inlet of all superstition and corruption into the worship and doctrine of this church and the means of hastening us back again to Rome. For proof of this I appeal to all our knowledge in late years past; the memory whereof is so fresh, I need enter into no particulars.—One fruit of this government in the church hath been the displacing of the most godly and conscientious ministers; the vexing, punishing, and banishing out of the kingdom the most religious of all sorts and conditions that would not comply with their superstitious inventions and ceremonies. In one word; the turning the edge and power of their government against the very life and power of godliness; and the favour and protection of it unto all prophane, scandalous, and superstitious persons that would uphold their party. Thousands of examples might be given of this, if it were not most notorious.—Another fruit hath been schism and factions within ourselves, and alienation from all the reformed churches abroad. 3. The prodigious monster of the late canons, whereby they had designed the whole nation to a perpetual slavery and bondage to themselves and their superstitious inventions. These are the fruits of their government in the church.—Now let us consider these in the Civil State; as, 1. The countenancing all illegal projects and proceedings, by teaching in their pulpits, the lawfulness of an arbitary power. 2. The overthrowing all process at common law, that reflected never so little on their courts. 3. The kindling a war between these two nations, and blowing up the flame as much as in them lay, by their counsels, canons, and subsidies they granted to that end. 4. The plots, practices, and combinations during this parliament; in all which they seem to have been interested more or less.—Thus have they not contented themselves with encroachments upon our Spiritual privileges, but have envied us our Civil freedom; desiring to make us grind in their mill, as the Philistines did Sampson, and to put out both our eyes: 'O let us be avenged of those Philistines for our two eyes!' If then the tree be to be known by its fruits, I hope you see, by this time, plainly the nature and quality of this tree.—In the last place, give me leave, for a close of all, to present to your consideration the mischiefs which the continuance of this government doth threaten us with; if, by the wisdom of this committee, they be not prevented. 1. The danger our religion must ever be in, so long as it is in the hands of such governors as can stand firmly in nothing more than its ruin; and whose affinity with the Pope's hierarchy makes them more confident of the Papists, than the professors of the Reformed religion, for their safety and subsistence. 2. The unhappy condition our civil state is in, whilst the bishops have votes in the house of lords; being there as so many obstructions, in our body politic, to all good and wholesome laws tending to salvation. 3. The improbability of settling any firm or durable peace so long as the cause of the war yet continues, and the bellows that blow up this flame. Lastly, and that which I will assure you goes nearest to my heart, is the check which we seem to give to Divine Providence, if we do not at this time pull down this government. For hath not this parliament been called, continued, preserved, and secured, by the immediate Finger of God, as it were for this work? Had we not else been swallowed up in many inevitable dangers, by the practices and designs of these men and their party? Hath not God left them to themselves, as well in these things, as in the evil administration of their government, that he might lay them open unto us; and lead us, as it were, by the hand, from the finding them to be the causes of our evil, to discern that their rooting up must be our only cure? Let us not then halt any longer between two opinions, but, with one heart and resolution, give glory to God, in complying with his Providence; for the good safety, and peace of his church and the state, which will be by passing this Bill we are now upon.'

Mr. *Waller* spoke against the bill as follows:* 'Mr. Hyde; there is no doubt but the sense of what this nation hath suffered from the present bishops, hath produced these complaints; and the apprehensions men have of suffering the like, in time to come, make so many desire the taking away of episcopacy: but I conceive it is possible that we may not, now, take a right measure of the minds of the people by their Petitions; for when they subscribed them, the bishops were armed with a dangerous commission of making new Canons, imposing new oaths, and the like; but now we have disarmed them of that power. These petitioners, lately, did look upon Episcopacy as a beast armed with horns and claws;

* This speech is not taken notice of by any of the Collectors of the times, nor is it printed amongst Mr. Waller's Works, although there are some of his speeches at the end of his Poems. The above is taken from an edition of the times, printed for Abel Roper, 1641. "Waller" says Burnet, "was the delight of the house: and even at 80 he said the liveliest things of any among them. He was only concerned to say that which should make him be applauded. But he never laid the business of the house to heart, being a vain and empty, though a witty man. He deserves the character of being one of the great refiners of our language in poetry. He was for near 60 years one of the best of our writers that way."

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but now that we have cut and pared them, (and may, if we see cause, yet reduce it into narrower bounds) it may, perhaps, be more agreeable. Howsoever, if they be still in passion, it becomes us soberly to consider the right use and antiquity thereof; and not to comply further with a general desire, than may stand with a general good. We have already shewed, that episcopacy, and the evils thereof, are mingled like water and oil. We have also, in part, severed them. But I believe you will find, that our laws and the present government of the church are mingled like wine and water; so inseparable, that the abrogation of, at least, a hundred of our laws is desired in these Petitions. I have often heard a noble answer of the lords, commended in this house, to a proposition of like nature, but of less consequence; they gave no other reason of their refusal but this, 'Nolumus mutare leges Angliæ.' It was the bishops who so answered then; and it would become the dignity and wisdom of this house to answer the people, now, with a 'Nolumus mutare.'—I see some are moved with a number of hands against the bishops; which, I confess, rather inclines me to their defence: for I look upon episcopacy as a counterscarp, or outwork; which, if it be taken by this assault of the people, and, withall, this mystery once revealed, 'That we must deny them nothing when they ask it thus in troops.' We may, in the next place, have as hard a task to defend our property, as we have lately had to recover it from the prerogative. If by multiplying hands and petitions, they prevail for an equality in things ecclesiastical; the next demand, perhaps, may be lex Agraria, the like equality in things temporal. The Roman story tells us, that when the people began to flock about the senate, and were more curious to direct and know what was done, than to obey, that commonwealth soon came to ruin: their legem rogare grew quickly to be a legem ferre; and after, when their legions had found that they could make a dictator, they never suffered the senate to have a voice any more in such election. If these great innovations proceed, I shall expect a flat and level in learning too, as well as in church-preferments: honos alit artes. And though it be true, that grave and pious men do study for learning-sake, and embrace virtue for itself; yet it is as true, that youth, which is the season when learning is gotten, is not without ambition; nor will ever take pains to excel in any thing, when there is not some hope of excelling others in reward and dignity. There are two reasons chiefly alledged against our church-government. 1. Scripture, which, as some men think, points out another form. 2. The abuses of the present superiors. For Scripture, I will not dispute it in this place; but I am confident that, whenever an equal division of lands and goods shall be desired, there will be as many places in Scripture found out, which seem to favour that, as there are now alledged against the prelacy or preferment in the church. And, as for abuses, where you are now, in the Remonstrance, told, what this and that poor man hath suffered by the bishops, you may be presented with a thousand instances of poor men that have received hard measure from their landlords; and of worldly goods abused, to the injury of others, and disadvantage of the owners. And therefore, my humble motion is, That we may settle men's minds herein, and, by a question, declare our Resolution 'To reform,' that is, 'not to abolish Episcopacy.'

The Journals inform us, that, upon Mr. Hyde's report from the grand committee, it was resolved, 'That the taking away the several offices of Archbishops, Bishops, Chancellors, and Commissaries, out of this church and kingdom, should be one clause in the aforementioned bill.'

The Lords vote the late Canons illegal.] June 12. The votes of the house of commons concerning the new Canons, made at the Synod in 1640, were read in the house of lords; and their lordships voted the same verbatim, as they are in the proceedings of the other house on the 16th of December. See p. 679.

This day a bill 'For restoring in blood and honour sir Wm. Wentworth, bart. and the rest of the children of the late earl of Strafford; and for settling the lands and tenements of the said late earl,' was read in the house of commons.

A Conference concerning disbanding the Army.] June 14. A message being sent to the upper house from the commons, to desire a free conference about disbanding some regiments in the king's Army, the same was complied with; and the next day the earl of Bath reported it to the lords, to this effect: "That the commons had taken into consideration the vast charge, that the kingdom laid under in maintaining the two armies: that they have used their utmost endeavours in providing money, for disbanding both of them: that necessity enforceth them to disband the king's army by parts as they shall be able to provide money, and the Scots army wholly and altogether. In disbanding the king's army, they will first disband those that lie in the more Southern parts: that they intend to disband five regiments; the regiment of Hull, and the earl of Nithsdale's company, in the regiment of sir Ch. Vavasor; and so other regiments to march to give way, but not above 300 in a company.' Upon this report another conference was appointed on the same subject.

Debate on a Motion for abolishing of Deans, Chapters, &c.] June 15. The commons went into a grand committee on the bill 'For the utter Abolishing of Bishops,' &c. when a motion being made for the taking away of Deans and Chapters out of the church of England,

Mr. *William Thomas*, member for Carnarvon, spoke as follows:* 'Mr. Hyde; the office of

* From the original edition, printed by T. Harper, 1641.

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Deans doth neither tend or conduce, as some have alledged, to the honour of God, the propagation of piety, the advancement of learning, or benefit of the commonwealth: but, è contra, they occasion the dishonour and disservice of God; the hinderance, if not destruction of piety; the suppression and discouragement of learning and learned men; and the detriment and prejudice of church and commonwealth. 1. I humbly crave leave to declare what deans were originally in their first birth. 2. What in their increase and further growth. 3. Their present condition, being at their full, and, as I hope, their final period.—As to their Original; it is not to be denied but themselves and their office are of great antiquity, St. Augustine declaring both; but I do not say that it is an antient office in the church. What officers deans then were, be pleased to hear from St. Augustine's own delivery, in his book 'de Moribus Ecclesiæ Catholicæ.' The monks, saith he, for their more retiredness and better contemplation, appointed officers, which they called, Decanos: the office of them, and why they were so called he delivereth in these words as near as I remember, Opus autem tradunt illis quos decanos vocant, eo quod sunt denis præpositi, ut neminem illorum cura sui corporis tangat, neque in cibo, neque in vestimento, neque si quid aliud vel quotidiana necessitate, vel mutata, ut assolet, valetudine; hi autem decani, magna solicitudine, omnia disponentes & præsto facientes quicquid illa vita, propter imbecillitatem corporis, postulet.'—Here we see the office of deans in St. Augustine's time; antiquity sufficient, but not antiquity for being officers in the church: therefore they do not rightly plead antiquity, as to the point now controverted, the question being, Whether the office, as now it is exercised, be the same that it was then? Surely they shall find it not only different, but in a manner quite contrary. They are deceived that urge it; but they are to know that this judicious house is able to discern and distinguish a counterfeit face of antiquity from the true: and in vain do they, with the Gibeonites, labour to deceive us by old sacks, old shoes, old garments, old boots, and old bread that is dry and mouldy; therefore to no purpose, and causelesly, do they charge us to affect novelty, by our offering to take away church-governors and government.—What these men, I mean deans, were originally, we see; and how they came to be presbyters, and ministers, and for what cause, I shall herefter declare: but we may not think this charging of us as innovators strange, when Christ himself had his doctrine censured as new; 'What doctrine is this,' said the Jews, in St. Mark? We are not then to expect that we shall escape the like censure of innovating. 'The servant is not above his lord, nor the disciple above his master:' and indeed so St. Paul found it, for the Athenians made the same demand to him; 'May we,' say they, 'know what this new doctrine, whereof thou speakest, is? Acts xvii. 19. But let us 'liberare animas nostras, conscientiæ satisfaciamus, nihil infame laboremus; consentiamus in eo quod convenit, non in eo quod traditum.'—But, granting the name and office, we find them to be only caterers, or stewards, to provide food and raiment for the monks; whose garments as they were not costly, so was not their fare dainty, being but bread and water. To have the like employment now, I neither deny nor envy them.—Well now, let us see how they increased in authority, and came to be accounted officers of great dignity. Why, thus: when, for the austerity of their lives, and opinion of their sanctity, princes and others did bestow lands and revenues upon the monks; then their Præpositi, the deans, did partake of their honours and possessions; and then began the corruption and poisoning of them; 'Tunc venenum infunditum in decanos, religio peperit divitias, & filia devoravit matrem.' Answerable whereto is that of St. Hierom, 'Since holy church increased in possessions, it decreased in virtues.' The like hath St. Bernard, and many others.—Thus we see that the spring that was clear in the barren mountains, descending down to the richer vallies, becomes thick and muddy; and, at last, is swallowed up by the brinish ocean; 'Salsum perdulces imbibet æquor aquas.' But, to deliver it in the words of an honourable author: 'Time,' saith he, 'is most truly compared to a stream that conveyeth down fresh and pure water into the salt-sea of corruption, which invironeth all human actions; and therefore if a man shall not, by his industry, virtue, and policy, as it were with the oar, row against the stream and inclination of time, all institutions and ordinances be they never so pure, will corrupt and degenerate.' This we shall see verified in deans and their officers.—These deans being thus endowed with great possessions, it was ordained they should be chosen, out of the presbytery, to that place; 'Ne sit decanus nisi presbyter,' as I find in St. Bernard. Well, did they rest in this state and condition? No: they must be civil magistrates, chancellors, or keepers of the seal, lord treasurers, privy counsellors; and what have they not of lay offices, dignities and titles? I will not trouble you with enumeration of particular deans, I will only cite one, (though, if time permitted, I might cite 21) and that is the Dean of St. Paul's, who was made lord treasurer about 1197, and, carrying that office, quickly hoarded up a great treasure; at last, falling into a deadly disease past recovery, he was exhorted by the bishops and great men to receive the sacrament of Christ's body and blood, which he trembling at refused to do; but, upon the king's admonishing and commanding him to do it, he promised him thereupon to do it the next day: being advised also to make his will, he commanded all to void the room but one scribe; who beginning to write his will in the accustomed form, 'In the name of the Father, of the Son, &c.' the dean perceiving it, commanded him, in a rage, to blot it out, and

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these words only to be written, 'I bequeath all my goods to my lord the king, my body to the grave, and my soul to the devil!' which being uttered, he gave up the ghost. The king hereupon commanded his carcase to be carried in a cart, and drowned in the river. Good God, what a change is this, from being humble servants to poor monks, to become proud prelates, peers to princes! 'Quantum mutati ab illis, nunc Cigni qui modo Corvi.' They now forsake their 'Templa paupertatis & templa pietatis, tanquam noxia Numina;' and only allow and make choice of 'Templa honoris & templa fortunæ.' They then took care for the poor monastery; but now poorly care for the ministry; and, to speak no less truly than plainly, they do either just nothing, or (what is worse) nothing that is just. But, not to trace them further, let us examine what their present office is, which we find so honoured and dignified.—In the constitutions of Henry 8. and Edw. 6. thus I read, 'Decani quoque, cum in clero amplam dignitatem & locum honoratum in ecclesia sortiantur, presbyteri sunto; viri graves, docti, & magna prudentia insignes, cathedrales ecclesias juxta illarum constitutiones regant; collegio, tam canonicorum quam clericorum ecclesiæ majoris, præsint, neque disciplinam labi sinant; provideantque, summa diligentia, ut in sua ecclesia sacri ritus, ordine ac justa ratione, peragantur; utque omni ordine & convenienti gravitate, ad fratrum utilitatem agantur; ut archidiaconi foris, sic illi domi (hoc est in ecclesia cathedrali & ejus canonicis & clericis) episcopo sint adjumento, quasi duo ejus membra utilissima & necessaria. Quare, nec decani abesse debent a sua ecclesia, sine maxima & urgentissima causa ab episcopo approbanda.'—Afterwards, in the 9th chapter, I read preaching to be part of their duty, 'Concionem habeat decanus, in ecclesia cathedrali, singulis diebus dominicis.' Thus their office is declared to be these particulars following: 1. To rule and order the church, and to look to the repair, and for the decoration thereof, as is also elsewhere enjoined. 2. To preserve discipline and holy rites. 3. To be adjuments, or assistants, to the bishops in cathedrals, as be the archdeacons abroad; part of which assistance is, as it seemeth, to preach for them; but the bishops will excuse them that service, as too painful; nay, forbid it, as too dangerous: yet, though they will not busy themselves in preaching, they have leisure to be inventive and operative in poor beggarly toys and trifles, which neither bring honour to God, nor good to the church and people. Their preaching and godly life did, antiently, win the people's hearts to love God, and them, as his ministers, whom they received as angels of God, ambassadors from Heaven.—Humility, piety, and industry, laid the foundation of all those magnificent structures, dignities, titles, places, revenues, and privileges wherewith the churchmen were antiently endowed; what hath, or is likely to waste and demolish them, is easy to conjecture: king James hath delivered it in these words, 'The natural sickness that hath ever troubled, and been the decay of all churches since the beginning of the world, hath been pride, ambition, and avarice; and these infirmities wrought the overthrow of the Popish church in this country and many others: but the reformation of religion in Scotland was extraordinarily wrought by God; though many things were inordinately done by such as blindly were doing the work of God.'—Thus far that wise and religious prince. But, lest I should forget a principal part of the office, Church Music, it shall have here the first place; the rather for that as I read the first coming in thereof was to usher in Antichrist; for I do find, in my reading, that, anno 666, (the year that was designed or computed for the coming of Antichrist) Vitalian, bishop of Rome, brought into the church singing of the service, the use of organs, &c. as we read in Platina, Baleus, and others, in the life of Vitalian, who therefore was called the Musical Pope; although, at that time there was greater occasion of sorrow, the Longobards having entered and wasted Italy; and therefore fasting and prayer had been more proper than music and melodious singing. Hereupon, saith my author, ignorance arose among the people, lulled, as it were, asleep by the confused noise of many voices. This carried a colour of advancing devotion, although it was no better, as the case then stood, than the altar erected to the unknown God, Acts xvii. Hereby the key of knowledge was hid, Luke xi. when the common people understood not what was sung, and the heat of zeal was quenched in men of understanding, whose ears were tickled, but hearts not touched; whilst, as St. Augustine complaineth of himself, most were more moved by the sweetness of the song, than by the sense of the matter which was sung unto them; working their bane, like the deadly touch of the asps, in a tickling delight; or as the soft touch of the hyena, which doth infatuate and lull asleep, and then devoureth.—If service in the Latin tongue, whereof the simplest people understood somewhat, was justly censured, certainly this manner of singing psalms and service, whereof the most learned can understand nothing, is to be condemned. I dislike not singing, though by music of organs or other instruments, but I wish that what is sung may be understood; and as Justinian the emperor commanded all bishops and priests to celebrate prayer with a loud and clear voice, non tacito modo, that the minds of the hearers might be stirred up with more devotion to express the praises of God; so wish I, that service and psalms may be so read and sung that they may be understood, and so edify the mind as well as please the ear.—Now I am to declare that this office of Deans doth neither tend to the honour of God, the propagation of piety, the advancement of learning, or benefit of the commonwealth; but to the contrary, as I have delivered, rather to the dishonour,' &c.

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Sir *Benj. Rudyard*, member for Wilton, opposed the motion in the following Speech * "Mr. Hyde; We are now upon a very great business, so great indeed, as it requires our soundest our saddest consideration; our best judgment for the present, our utmost foresight for the future. But sir, one thing doth exceedingly trouble me, it turns me round about, it makes my whole reason vertiginous; which is, that so many do believe, against the wisdom of all ages, that now there can be no Reformation without Destruction; as if every sick body must be presently knocked on the head, as past hope of cure.—Religion was first and best planted in cities; God did spread his net where most might be caught. Cities had bishops and presbyters: presbyters were the seminaries, out of which were sent labourers by the bishops, to propagate and cultivate the gospel. The clergy then lived, wholly, upon the free-will offerings and bounty of the people. afterwards, when kings and states grew to be christians, the outward settlement of the church grew up with them: they erected bishopricks, founded cathedral churches, endowed them with large possessions: landlords built parish-Churches, gleabed them with some portion of land, for which they have still a right of presentation. I do confess that some of our bishops have had ambitious, dangerous aims, and have so still; that, in their government, there are very great enormities: but I am not of their opinion who believe, that there is an innate ill quality in Episcopacy, like a specifical property, which is a refuge, not a reason. I hope there is no original sin in episcopacy; and though there were, yet may the calling be as well reformed as the person regenerated. Bishops have governed the church for 1500 years, without interruption; and no man will say, but that God hath saved souls in all those times under their government. Let them be reduced, according to the usage of antient churches in the best times; so restrained that they may not be able, hereafter, to shame the calling. I love not those that hate to be reformed; and do, therefore, think them worthy of the more strict, the more close reformation. We have often complained, that bishops are too absolute, too singular. Although cathedral churches are now, for the most part, but receptacles of drones and non-residents, yet some good men may be found, or placed, there to be assessors with the bishops; to assist them in actions of moment, in causes of importance; there is maintenance already provided for them. If either in bishopricks, or cathedral churches, there be too much, some may be pared off, to relieve them that have too little: if yet more may be spared, it may be employed to the setting up of a preaching ministry through the whole kingdom. And, until this be done, although we are Christians, yet are we not a Christian state. There are some such places in England as are not in Christendom, the people are so ignorant; they live so without God in the world; for which parliaments are to answer both to God and man. Let us look to it, for it lies, like one of the burdens of the prophet Isaiah, heavy and flat upon parliaments.—I have often seriously considered with myself, what strong concurrent motives and causes did meet together in that time, when abbies and monasteries were overthrown. Certainly God's hand was the greatest, for he was most offended. The prophane superstitions, the abominable idolatries, the filthy nefandous wickedness of their lives, did stink in God's nostrils, did call down for vengeance, for reformation. A good party of religious men were zealous instruments in that great work; as likewise many covetous, ambitious persons, gaping for fat morsels, did lustily drive it on.—But, Mr. Hyde, there was a principal parliamentary motive, which did facilitate the rest: for it was propounded in parliament, that the accession of abbey-lands would so enrich the crown, as the people should never be put to pay subsidies again. This was plausible to both court and country: besides, with the overplus, there should be maintained a standing army of 40,000 men, for a perpetual defence of the kingdom. This was safety at home, terror and honour abroad. The parliament would make all sure. God's part, religion, hath, by his blessing, been reasonably well preserved; but it hath been saved as by fire: for the rest is consumed and vanished. The people have paid subsidies ever since, and we are, now, in no very good case to pay an army. Let us beware, Mr. Hyde, that we do not look with a worldly, carnal, evil eye upon church-lands: let us clear our sight, search our hearts, that we may have unmixed and sincere ends, without the least thought of saving our own purses. Church-lands will still be fittest to maintain church-men, by a proportionable and orderly distribution. We are very strict and curious to uphold our own property; and there is great reason for it: are the clergy, only, a sort of men who have no property at all in that which is called theirs? I am sure they are Englishmen, they are subjects. If we pull down bishopricks, and pull down cathedral churches, in a short time we must be forced to pull down colleges too; for scholars will live and die there as in cells, if there be not considerable preferment to invite them abroad: and the example we are making now, will be an easy temptation to the less-pressing necessities of future times.—This is the next way to bring in barbarism, to make the clergy an unlearned contemptible vocation, not to be desired but by the basest of the people; and then where shall we find men able to convince an adversary? A clergyman ought to have a far greater proportion to live upon, than any other man of an equal condition. He is not bred to multiply three-pences; it becomes him not to live mechanically and sordidly; he must be given to hospitality. I do know myself a clergyman, no dignitary, whose books

* Printed by Thomas Walkley, 1641.

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have cost him 1000*l.* which, when he dies, may be worth to his wife and children, about 200*l.* It will be a shameful reproach to so flourishing a kingdom as this, to have a poor beggarly clergy. For my part, I think nothing too much, nothing too good, for a good minister, a good clergyman. They ought least to want, who best know how to abound. Burning and shining lights do well deserve to be set in good candlesticks. Mr. Hyde, I am as much for reformation, for purging and maintaining religion, as any man whatsoever: but, I profess, I am not for innovation, demolition, nor abolition.'

Mr. *Pury*, member for Gloucester, spoke thus in support of the motion *:—'Mr. Hyde; There are some reasons stick with me, whereby I do conceive, that the deans and chapters have been, and are, part of the government of the church of England: and that the preamble and body of this bill, therein may very well stand together: for, if you take the deans and chapters in their original, who were first founded in superstition, like to your regular and secular monks; or if you consider them, as in their prime institution, to be Consilium Episcopi, to assist bishops in their government and discipline; or if you look upon those deans and chapters, of the last foundation by Henry 8. yet, certainly, they are, in all these capacities, a part of the government of the church of England; and as well the rural, as the cathedral deans are numbered by our own writers among church governors; and they are, in and among themselves, a part of the church government; and, by the Book of Reformation of Ecclesiastical laws, they are to govern themselves according to their statutes of foundation; and to keep them pure and entire, so far as they are not repugnant to the Word of God, and our constitutions of religion.—Now, for the better satisfaction of this committee and myself, here is a copy of the statutes, grant, and foundation of the dean and chapter of the city of Gloucester. I have read them over, and do find, 1. The end wherefore the lands and possessions were granted unto them; 2. The manner and form of government of themselves; and, lastly, Their several oaths to keep all the statutes prescribed unto them: And, because of my weak memory, please you to give me leave to read the words in the king's grant, Englished thus: 'We have erected and constituted cathedrals and colleges in the place of monasteries; to the end, that where ignorance and superstition did reign, there the sincere worship of God should flourish, and the holy Gospel of Christ Jesus should be daily and purely preached. And further, that the increase of the Christian faith and piety, the instruction of youth in good learning, and the sustentation of the poor, should be for ever there kept, maintained, and continued; and the said dean, prebendaries, canons, and all other persons belonging to the said cathedrals and colleges, are to be governed and ruled according to the statutes prescribed unto them."—Sir, the statues are many; I will, in brief, tell you the substance of some few of them: The said dean, prebendaries, and canons, are always to reside and dwell in the houses of the said cathedrals; and there to keep a family, good hospitality, to feed the poor, and to distribute alms unto the needy; to be careful to preach the Word of God, 'in season and out of season;' and to sow the seed of the Word of God abroad, but especially in the said cathedral church; and to have youth profitably taught there: and to the end that they may all serve God, as well at meals as in the church, they are to have a common table in the common hall of the said cathedral, where the said canons, scholars, choristers, and under officers, are appointed to eat together: The said dean and chapter are also to give yearly 20*l.* to the poor, besides their own poor alms-men; and 20*l.* more, yearly, towards the repairing of bridges and highways thereabouts.—Sir, for the performance of the said statutes and premisses, the said dean, prebendaries, canons, and ministers of the said cathedral do, or ought, respectively to take an oath; and thereby, in express words, do call God to witness, and do swear upon the Holy Evangelists, to rule, govern, and behave themselves well and faithfully in the said church, according to the will and statutes of the founder; and every one of them doth swear, that he will, to his utmost power, well and faithfully keep all and singular the said ordinances and statutes, as much as concerns himself; and will procure all others, as much as concerns them, to keep the same inviolably, 'So help him God, and these Holy Gospels of God!'—Mr. Hyde, you see wherefore the lands were granted unto deans and chapters: what their statutes are, and their oaths to keep them. It might be thought that these men do know some way, another or nearer way, to Heaven than they teach us; or otherwise that they would not sit in the seat of perjury, as it may seem they do, without remorse of conscience: for it is notoriously known to the city of Gloucester, and country thereabouts, that not one of the said statutes, before-mentioned, are, or ever were, during my remembrance, kept; or the matters, contained in any of them, performed by any of the deans or prebendaries of the said cathedral. They come indeed, once a year, to receive the rents and profits of the said lands; but do not distribute unto the poor and needy their portion; neglecting altogether the mending of the highways and bridges, and do not keep any common table at all, and instead of preaching the Word of God themselves, 'in season and out of season;' they are, and have been the chief instruments to hinder the same in others.—Infinite are the pressures that many cities, near unto deans and chapters, have endured by them and their procurement. And whereas it was objected by a learned gentleman of the long robe, That the deans and chapters are a body corporate;

* Printed by Richard Lowndes, 1641.

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and that they have as much right unto their lay possessions as any other body politic, or any city or town corporate: I am of his opinion, for such lands and possessions (if they have any) which they bought themselves in right of their corporation; or for such lands as were given them for their own use: And I am well contented that such lands should be left unto them: But their case is far different, in my opinion; for I have shewed you before to what godly, pious and charitable uses the said lands and possessions were granted unto them: and, suitable thereunto, you may call to mind the Londoners Case, about Londonderry, in the Star-Chamber; where they were fined 70,000*l.* to his majesty, and the same was afterwards estreated into his majesty's Exchequer; but, upon the writ of extent issuing out thereupon, his majesty, as I have heard, received no benefit of any such lands, whereof the corporation was seized for the maintenance of any hospitals, bridges, or other charitable uses; nor ought to have done, as I conceive.—Seeing therefore the said deans and chapters are but Trustees, and the profits of the said lands so ill employed by them, contrary to the trust reposed in them, I am clear of opinion, that, by a legislative power in parliament, it is fit to take them away; and put them into the hands of feoffees, to be disposed of to such pious, religious and charitable uses, as they were first intended. But it was said by a worthy knight, 'That he should be unwilling to take away their lands and possessions, until he first knew how they should be disposed of; and how the persons, who were many thousands in this kingdom, as he said, that would want bread, should be provided for.' Certainly, Mr. Hyde, although that is not the work at this time, yet I account it no difficulty to satisfy that worthy knight; for I find, upon the survey of the lands of the said deanry of Gloucester, that it hath above 12 rectories of good value, and about 30 vicarages, pensions, and portions of tythes; which being, at the first, Deo consecrata, most fit they should be still employed for the maintenance of the Gospel; and therefore if the dean and prebendaries, being but 7 in all to be now taken away, will be preaching ministers, there is, I hope, sufficient maintenance for so many of them as have not too much besides; and yet to reserve as large a salary, as now they have, for so many singing men there, not in holy orders, who cannot preach. Then there are left to be provided for, only the organist, 8 singing boys, 2 school masters, 4 poor alms men, and some under officers; whose yearly wages come unto about 100*l.* per annum. The said dean and chapter have also almost the third part of the houses of the city of Gloucester, the old rent of them being, yearly, about 175*l.* which will well defray that charge, with a sufficient surplusage for repairing the highways and bridges, and 20*l.* yearly to the poor, as aforesaid.—Over and besides the said yearly revenues beforementioned, the dean and chapter of Gloucester, although but of the last foundation, and one of the least revenues in this kingdom, have 18 goodly manors, and also divers other lands, tenements, and hereditaments; besides the manors, houses, and premisses, the old rent of assize of one of the said manors being 80*l.* per annum. Out of these manors and lands, the said cathedral being to be made a parochial church, 200*l.* per annum, or more, may be allowed for a learned preaching minister there; and 100*l.* a year a-piece for two such others to assist him; all which stipends, within few years, some of the said manors will discharge, and also sufficiently repair the said cathedral church; and then the rest of the said manors and lands may be employed, to other godly, pious, or charitable uses, as the wisdom of the king and parliament shall think fit. Suitable to this, but in a more ample proportion of maintenance, will be the allowances of all other deanries in England.—Again, this, I conceive, will answer another objection, raised by a worthy knight at the bar, touching the poverty of the clergy of England. If this bill should take effect, surely my opinion is quite contrary; and, to that purpose, I call to mind the saying of a learned divine, chaplain to a nobleman, upon some conference with him of our wished desire to remove scandalous ministers, and to reduce the impropriations of bishops, and deans and chapters, to a preaching ministry: 'If these things,' said he, 'take effect, the universities will not be able to supply the churches.' And surely, sir, if these things take effect, I am confident we shall be so far from having a poor beggarly clergy, as that no kingdom in the Christian world will have a more rich and flourishing clergy; both for nurseries and encouragements of learning, and for their maintenance in a more plentiful manner than it is at this present. Please you to put the question, I am ready to give my aid thereunto.'

The Speaker having resumed the chair, Mr. Hyde reported from the committee the following Resolutions which were agreed to by the house: "Resolved, by the commons, 'That all Deans, Deans and Chapters, Archdeacons, Prebendaries, Chanters, Canons and Petty Canons, and their Officers, shall be utterly abolished and taken away out of the church; that all the lands, taken by this bill from Deans and Chapters, shall be employed to the advancement of learning and piety; provision being had and made, that his majesty be no loser in his rents, first-fruits, and other duties; and that a competent maintenance shall be made to the several persons concerned, if such persons appear not peccant and delinquents to this house."

On the 21st, another debate took place in the house of commons, on the bill 'For abolishing Bishops, &c.' To avoid prolixity, we shall conclude our account of this debate in the words of lord Clarendon, who was the constant chairman of this committee. "When every body expected that nothing should be mentioned in the house, but the dispatch of

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the Treaty of the Pacification, by the commissioners of both sides; which was the only obstruction to the discharge of the Armies, and which could be done in two days, if they pursued it; they called in a morning (May 27,) for the bill, that had so long before been brought in by sir Edward Dering, 'For the Extirpation of Episcopacy,' and gave it a second reading; and resolved, 'That it should be committed to a committee of the whole house, and that it should be proceeded upon the next morning.' It was a very long debate the next morning, after the Speaker had left the chair, who should be in the chair for the committee; they who wished well to the bill having resolved to put Mr. Hyde into the chair, that he might not give them trouble by frequent speaking, and so too much obstruct the expediting the bill; they who were against the bill, pressed and cried loud to Mr. Crew to be in the chair: but, in conclusion, Mr. Hyde was commanded to the chair; they who were enemies to the bill being divided in opinion, many believing that he would obstruct the bill more in that place, than if he remained at liberty; and they found it to be true. The first day the committee sat full 7 hours, and determined, 'That every day, as soon as the house was resumed, the chairman should report the several votes of that day to the house, which should determine them before it rose;' which was without any precedent, and very prejudicial to the grave transaction of the business: for, besides that it was a prejudging the house in its judgment, who, upon report of the committee, should have regard to the whole bill in the amendments made by them, which they were precluded from, by having confirmed the several days votes; it was so late every day before the house was resumed, (the Speaker commonly leaving the chair about 9 o'clock, and never resuming it till 4 in the afternoon) that it was very thin: they only who prosecuted the bill with impatience, remaining in the house; and the others who abhorred it, growing weary of so tiresome an attendance, left the house at dinner-time, and afterwards followed their pleasures: so that the lord Falkland was wont to say, 'That they who hated bishops, hated them worse than the Devil; and that they who loved them, did not love them so well as their dinner.'—However, the chairman gave some stop to their haste; for, besides that at the end of his report every day to the house, before the house put the question for the concurrence in the votes, he always enlarged himself against every one of them, and so spent them much time; when they were in the heat and passion of the debate, they oftentimes were entangled in their questions; so that when he reported to the house the work of the day, he did frequently report 2 or 3 votes directly contrary to each other; which, in the heat of their debate, they had, unawares, run into. And after near 20 days spent in that manner, they found themselves very little advanced towards a conclusion, and that they must review all that they had done; and the king being resolved to begin his Journey for Scotland, they were forced to discontinue their beloved bill, and let it rest; sir Arthur Haslerig declaring in the house, 'That he would never hereafter put an enemy into the chair:' nor had they ever after the courage to resume the consideration of the bill till after the war was entered into."

Further Proceedings relating to the Plot.] The house of commons now began to search into and unravel the late Plot, which they had neglected for some time: but some information having been given them of a letter sent to the earl of Northumberland from his brother, Henry Percy, esq. one of the knights for that county, wherein were some expressions of his towards making a further discovery, the house dispatched two of their members, Mr. Hollis and Mr. Hampden, to the earl, for further information about it. These gentlemen being returned, reported to the house, "That they had waited on the earl, and informed him, that the house desired to know if he had received any letter, or relation, from his brother: that they found him much troubled, conceiving that there were more doubts and jealousies raised. He said he had received no such letter, or relation; but owned to one from his brother, of his own hand-writing, in which there was something concerning a discovery. In this letter, he said, there was also somewhat of private business between him and his brother, which was the occasion of his keeping the letter; but, if the house pleased, he was willing to give them a copy of so much of it as concerns that business, which any member might compare with the original. At present, he said, his brother acknowledged the taking of an oath of secrecy: that the company concerned had tied themselves by that oath, and were resolved to assist the king, if it was denied by parliament, to maintain bishops in their votes and functions; also, the Irish army not to be disbanded till the Scots was; and to keep up the king's Revenue." The house then ordered the aforesaid gentlemen to go again to the earl, and desire a copy of so much of the letter as concerns this business.*

The next day Mr. Hollis acquainted the house, That they had waited upon the earl, then lord admiral, for a transcript from the letter, and the same was read in the house; in which was much that concerned 3 members of their body, viz. commissary Wilmot, member for Tamworth, col. Ashburnham, member for Luggershall, and col. Pollard, member for Boralston. On which the two first were ordered to withdraw, and col. Pollard was examined, on interrogatories, on the spot, and afterwards the others; when it was resolved, upon the question, "That they should all 3 be committed prisoners, upon suspicion of High

* This Letter is in Rushworth, vol. IV. P. 255, and Nalson, vol. II. p. 286.

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Treason, viz. col. Wilmot, to the Tower; col. Ashburnham, to the Gatehouse; and col. Pollard, to the King's-Bench."

In the afternoon of this day the two houses had another conference, in which the earl of Bristol proposed to the commons, "That a total disbanding of the armies should be made, if they were provided for it at present; and the lords would be ready to give them all possible assistance for perfecting that great work: that if the commons would make out an estimate of what would be wanting for it, the peers would join with them most readily: for, until such time that a total disbanding and disarming be resolved on and declared, it was much to be doubted that there would be greater difficulty in raising money and getting credit; and therefore it was desired to employ all their joint endeavours for a total disbanding of the armies. If there be not a possibility presently to disband all the 5 regiments, it was held fit to be proposed to the Scots, that they, at the same time, at least, retire from the Tees homeward, and ship their field ordnance at Newcastle; and that the English likewise cause their ordnance to retire with the Train of Artillery." In consequence of which, the commons went upon ways and means to effect this necessary work, and to raise money for payment of the armies; and a committee was appointed for that purpose.

State of the Debt due to the English and Scots Armies.] June 17. Sir John Hotham, member for Beverley, reported the State and Substance of the then National Debt, on the Army's Account, to be as follows:

"The Parliament undertook to pay the Army and Garrisons upon 10th Nov. last, which, to 29th June, is 8 mon. and 7 days £.	412,050
For disbanding, a month's pay . .	50,000
	462,050
The King's Army hath had of this .	150,000
Remains due to the King's Army . .	312,050
The Treaty, from which time we pay the Scots, begun Oct. 16th, which, to 29th June, is 8 months 24 days	216,750
For Shipping	4,000
Total due to the Scots is	220,750
The Scots have had	105,000
Remains due to them, Shipping and Pay	115,750
Due to the King's Army è contra .	312,050
Total due to the King's Army and the Scots	427,800
To the Scots must presently be paid, of the Brotherly Assistance money	80,000
And there must be, within 15 days, in Yorkshire, else the Sum will every day encrease	507,800
	587,800
To pay this great sum we yet but know of, from the old customers .	100,000
From the new Customers	15,000
From the City	40,000
And, a month hence, from the old Customers	50,000
	205,000
So that all the money we have yet in view being gone, we are to provide	382,800
If the country trust the Billet, and the Officers, from a Captain upwards, be at half-pay, it is thought it will amount to	60,000
Which taken out of the sum, will rest	322,800

For the money provided by Subsidies, and otherways, the State is conceived to be thus:

Upon the first six subsidies . . .	300,000
Upon the last	400,000
Upon the old Customers	150,000
Upon the new	15,000
Total is .	865,000
The two Armies have already had .	255,000
Remains .	610,000

There was owing to the Scots, besides this, 220,000*l.* for which Security must be given them."

After the reading of this Account of the Public Debt, the house of commons ordered, "That all the Merchant-adventurers in town should have notice to attend the committee for raising money, in order to borrow so much of them as would serve the present occasions, at 10 per cent. interest." Another conference was also desired with the lords, and a free debate concerning the disbanding of the armies.

Act of Tonnage and Poundage passed by the Commons.] The Bill 'For granting to the king a Subsidy of Tonnage and Poundage, and other sums payable upon merchandize imported or exported,' was read a third time, passed, and ordered to the lords.

Proposal for a Poll-Tax to pay the Armies.] June 18. Sir John Hotham made another Report, from the committee for advancing Money, "That the proposition for making Spanish money current was wholly rejected. Likewise, that it was proposed from the committee, that every

		£.	s.
English or Irish	Duke should pay	100	0
	Marquis	80	0
	Earl	60	0
	Viscount	50	0
	Baron	40	0
Baronets, and Knights of the Bath .		30	0
Knights		20	0
Esquires		10	0
Gentlemen that have 100*l.* per ann. .		5	0
Every Bishop		60	0
Every Dean		40	0
Canon Resident		20	0
Archdeacons		13	0
Chancellors and Commissaries . .		13	0

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	£.	
Prebendary	10	0
Every Parson, whose Living is 100*l.* per annum	5	0
Lord Mayor of London	40	0
Aldermen	20	0
Aldermen's Deputies	15	0
Common Councilmen	5	0
Master and Wardens of the twelve Companies	10	0
Every one of the Livery thereof	5	0
Master and Wardens of the other Companies, and such as have fined for Master or Warden	5	0
Every one of their Livery	2	10
Every Freeman of the twelve Companies	1	0
Every Freeman of the other Companies, except Porters and Watermen	0	10
Every Merchant Stranger, being a Knight	40	0
Every Merchant Stranger at Sea	10	0
at Land	5	0
English Merchants at Land, not free	5	0
Factors	2	0
Handicrafts-men, Strangers, per pole	0	2
If House-keepers	0	4
Serjeants at Law	20	0
King's Serjeants	25	0
King, Queen, and Prince's Council	20	0
Doctors of Law and Physic	10	0
If Papists	20	0
Every Man of 100*l.*	5	0
Every Man of 50*l.* per annum	2	0
Every one that can dispend 20*l.* per annum	0	5

All other Persons above sixteen, such as receive Alms only excepted, to pay 6*d.* per Head. Recusants, double in all."

This Poll-Tax was agreed to by several Resolutions of the house, with some alterations and additions too tedious to mention; because they run through all orders and degrees of men, from the highest almost to the lowest, not omitting widows, who were each to pay a third part rated upon her husband's degree.

Bill against Pluralities and Non-residence.] A bill against Pluralities and Non-Residence was, this day, read the third time in the commons; and, being passed, was carried up to the lords for their assent. By this act it was provided, "That whosoever had two livings, should, before the 21st of Sept. next, resign one of them: and that if any clergy-man should be absent, at one time, 60 days from his living, he should, ipso facto, forfeit it."

June 21. The lords passed the bill for granting Tonnage and Poundage to the king, and received the other concerning Pluralities and Non-Residents. At the same time Mr. Hampden, who carried it, desired the lords to be as speedy as their conveniency would allow of in passing the three bills formerly sent up, viz. concerning the Star-Chamber, High Commission, and disarming of Recusants.

Foreign Letters ordered to be stopped and examined by the Lords.] June 22. A message came up from the commons to the lords to this effect "That this house finding every day new discoveries, of secret councils and meetings of Jesuits and others, and of several plots and designs to disturb the peace of this kingdom and of Scotland; and that this house was persuaded it was fomented by our enemies abroad, who have correspondencies with such as are here amongst us: they therefore desired their lordships to take such a course as they should think fit, that all these suspected persons might be staid and examined; and all letters, of that week, inward and outward, seized upon, and brought to their lordships for their perusal." This request was wholly complied with by the lords.

The Speaker's Speech to the King at presenting the Bill of Tonnage and Poundage.] June 22, p. m. This afternoon the king came to the house of peers, and, being seated on the throne, the commons were sent for; whose Speaker, on the presenting the bill for Tonnage and Poundage, made a speech to the king; which being answered from the throne, and the bill, being passed, his majesty withdrew. The Speaker's speech was as follows:

"Most Gracious and Dread Sovereign; That policy, which weighs the prerogative of the king and property of the subject in the same scales, increases the plenty of the crown and contentment of the people: the even poising of this beam enables both; the one being ordained for the preservation of the other. This principle is so riveted into the hearts of your subjects, by the acts of their ancestors and traditions of their forefathers, that it hath created a belief in them, that their wills are bound to a due allegiance; and their fortunes and estates, as well as their duty and subjection, must bend to the commands of that sovereign power, with which God hath invested your sacred majesty. Compulsory obedience, advanced by the transcendent power of prerogative, is too weak to support the right of government: it is the affections and estates of your people, tied with the threads of obedience by the rules of law, that fastens safety and prosperity to the crown. The experiment of elder times, in the reigns of the most valiant, puissant princes, hath concluded this the sovereign preservative against the diseases of distraction and confusion; and makes it manifest to the world, that the honour and glory of this throne is to command the hearts of freemen. This admitted, the permission of the least diminution, or any eclipsed interposition between the honour and plenty of the crown, contracts a scorn upon the nation. Several parliaments, in former times, have stampt the character of a free gift upon the fore front of this Aid; still offered by the people as a sacrifice of thanksgiving to the crown, for the safe conduct of your merchants, and provision of the navy; to strengthen your undoubted dominion over the seas, which hath protected your allies, and is a terror to your enemies.—Our hopes were long since to have settled this, for the measure and the time;

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and with this to have presented to your sacred majesty the triumphant palm of tranquillity in all your kingdoms: but, as a ship floating upon a rough sea, we have been cast upon the rocks of fear and dangers, and tossed on the billows of distraction and distrust of church and commonwealth; where we yet remain, hopeless ever to pass through that narrow channel which leads to the haven of peace, unless we be speedily steered on by the hand of your sacred wisdom, care, and providence. In the midst of all these troubles, and the several opinions which have been amongst us, no division had power to distract any one of us from the care and duty we owe to your sacred person. And, to that end, am I now sent by the commons of England, to present this as a mark only, whereby your sacred majesty may view the inward duties of our hearts; until time and opportunity will give leave for a further expression of our duties and affections. The acceptation of this gift will glad the hearts of your people, and your approbation (by the royal assent to this bill, being the largest for the measure which was ever given) will join wings to our desires and hopes; which shall never return without that olive leaf which may declare that the waters are abated, and that your sacred majesty may have full assurance of the faith and loyalty of your subjects."

The King's Answer.] The King's Answer was as follows:

"I do very willingly accept of your offer made at this time, as a testimony of your love and that dutiful affection you owe me; and I no way doubt but that you will perform what you have intimated unto me, in perfecting the other bills when you have leisure. Likewise, in passing this bill, you cannot but see a great testimony of the trust and confidence I have in your affections; as, since this parliament begun I have omitted no occasion, whereby I may shew such affection to my people, as I desire my people should shew to me; and not only so, but likewise in eschewing all occasions of dispute, in seeking to remove jealousies; and for this particular bill, you cannot but know that I do freely and frankly give over that right, which my predecessors have esteemed their own, though I confess disputed, yet so as it was never yielded by any one of them: therefore, you must understand this as a mark of my confidence in you, thus to put myself wholly upon the love and affections of my people for my subsistence; and therefore, I hope, in the perfecting this you have begun, you will go on the more chearfully. And as for those rumours, which have bred suspicions concerning the Army, though I have heard some loose discourses touching it, which I never understood otherwise than as having relation to the Scots Army, or preventing of insurrections; yet they were so slight of themselves, that they vanished, by their own lightness, within few days after they were born. Wherefore, having shewed you my clearness in this, I will leave you with this assurance, that I never had other design, but to win the affections of my people by the justice of my government."

Ten Propositions of the Commons relating to the State of the Kingdom.] June 23. A paper of Instructions, given by the earl of Montrose, the lord Napier, and the lairds of Keir and Blackhall, having been read in the house of commons, that body came to several Resolutions concerning the Security of Scotland. A committee of seven were appointed to withdraw immediately into the court of wards, to prepare heads for a conference with the lords about, that, and other business of the nation.

June 24. The heads for a conference being read in the house by Mr. Pym, and agreed to, a message was sent up to the lords by sir John Hotham, to desire one immediately. The report of this conference was made in the upper house, that day, by the bishop of Lincoln, to this purpose: "Mr. Pym told their lordships, that he was commanded by the house of commons to present unto them their continued care and endeavour for the good of the kingdom; that as their affections were united with them to one great end, to serve God, the king, and the commonwealth, so their counsels might jointly co-operate thereunto: that there was but one end, and one foundation of all these affections and counsels, howbeit they spread themselves into many and several branches; for they were all so united and weaved with the duties which we owe to our God, our king, and our common-wealth, that we cannot duly and truly serve God, but thereby we serve our king; nor serve God and our king as we ought, without our service to the commonwealth: but, as a way to this common and general end, he was to make unto their lordships several Propositions. Because they had lately found out very malignant and pestiferous designs, set on foot, or plotted, to trouble the peace of the kingdom; the which, though they were prevented, yet were still pursued; which was the reason the house of commons did present unto their lordships these Propositions, in ten several heads, which have their branches and subdivisions made under them:

PROPOSITIONS

"Concerning Disbanding of the Armies.

I. "This in the first front, because it was first to be done and make way for all the rest; and this had 4 several branches. 1. The house of commons desired the 5 regiments to be disbanded, according to a former order agreed upon by both houses. 2. The commissioners for the Scots to be desired to withdraw some of their troops from the Teese. 3. That their lordships would join with the house of commons in an humble motion to his majesty, to declare the 5 regiments to be disbanded, and the rest of the army as soon as money can be provided; and for the punishment of those

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who shall refuse to disband, if any such there be. 4. That the lord general should be intreated forthwith to repair to the army, on the 30th inst. at the farthest; at which time the money would be there. And that the lord Newport, master of the ordnance, be also there, to take care of that and all other things under his charge."

II. "That his majesty would be pleased to allow a convenient time, before his journey into Scotland, that the army might be first disbanded; and that some of the important affairs, now depending in parliament, may be dispatched before his majesty's journey. This Proposition he backed with these 4 reasons: 1. The safety of his majesty's person. 2. The removing of the jealousy of his good subjects. 3. The cutting off the hopes of those who are ill-affected, and have any design of disturbing the peace of the kingdom, by means of the army. 4. The great advantage in his majesty's own affairs, and contentment of his people, if, before his going, the royal assent might pass to divers bills, concerning the reformation of the church and state, (of which some are already sent up, others in preparation) with the bill intended for the further grant of Tonnage and Poundage, and other customs: and that some time might be employed to regulate the king's estate and revenue; to free them of unnecessary burdens, and to employ them for the good of the commonwealth. All these, he said, required his presence in parliament."

"Concerning his Majesty's Council and Ministers of State.

III. "That his majesty may be humbly petitioned to remove such evil counsellors, against whom there may be any just exceptions; and for the committing of his own business and the affairs of the kingdom to such counsellors and officers as the parliament may have cause to confide in: because all the ill effects we feel are produced by these ill counsels, in all the 3 fundamentals before spoken of. 1. In matter of religion. 2. In the king's private estate. 3. In the good of the whole kingdom: all these 3, he said, were decayed; but those of another kind and allay had much prospered, of late, amongst us; as matters of Monopolies, of Projects, and new Inventions.—Here he told your lordships a tale of a gardiner, who being demanded, why the weeds grew so fast and the flowers so thin in his ground-plot? answered, the weeds were the true children, but the flowers were but so many slips and bastards. So, said he, it is written, 'That kings shall be our nursing fathers, and queens our nursing mothers:' but we have found here, of late, by reason of evil counsellors, no nurses but hirelings of the publick state. These, therefore, are especially to be removed, for the reducing the kingdom to a better condition and posture. Howbeit, this request is by the house of commons recommended but in general, for this present, without pointing out or designing of particulars, in hopes the king will find them out of himself; otherwise it will cause the house of commons to reduce this petition to names of particulars.—Therefore they desired your lordships to commend it to his majesty, That he would put the offices of the kingdom and his own into such hands, as his maj. and the parliament may confide in."

"Concerning the Queen's Majesty in several Branches.

IV. "That his majesty would be graciously pleased, by advice of his parliament, to persuade the queen to take some of the nobility and others in trust into her service, in such places as are now in her disposal; because she has shewed herself ready to do any thing for the common good of the kingdom. Of this kind are, 1. That no Jesuit be entertained in her majesty's service, nor any Priest, native of his majesty's dominions. The reason of this is, that the Jesuits are banished out of all other courts of Catholic princes; and it is against our laws that native Priests should be here. 2. That the college of Capuchins, at Denmark-house, may be dissolved, and the persons sent out of the kingdom. The reasons of which are, 1. Their being here is a scandal to religion and a danger to our peace. 2. Disaffection to the state, manifested in a letter, dated May 6th, in which many scandals are cast upon the parliament and the good subjects, under the name of Puritans, or disaffected and injurious to the queen's person; and thereupon the cardinal excited to some design against England. Next the letter of Francis Philips, wherein, by way of reproach on the parliament, he writes, 'That the Protestation, taken by both houses, is like the Scots covenant, but something worse.' And that divers informations had been given of great quantities of gold transported by these priests. The 4th branch concerning the queen, was upon the special occasion of his majesty's absence, that your lordships would join with the house of commons to advise the king, that some of the nobility and others of quality, with a competent guard, might be appointed to attend the queen; for the security of her royal person against all designs of the Papists, and others ill-affected to the peace of the kingdom. The reasons given for this branch, were, 1. To secure her from Popish attempts. 2. By the watchfulness of those worthy persons, Priests and Jesuits may be kept from court. He protested, that therein he intended nothing of disrespect: he said it was a blessed thing to be kept from temptation; and, to be rid of these flies, would gain the queen the love of the people in the king's absence."

"Concerning the Prince and the rest of the Royal Issue.

V. "That some person of public trust, and well-affected to religion, may, by consent of parliament, be placed about the prince, and may take care of his education, especially in matters of religion; and that the like care

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may be taken of the rest of his majesty's children."

"On Papists coming to Court.

VI. "1. It is humbly desired that your lordships would join with them in a petition, that his majesty would be sparing in licensing Papists to come to court. 2. That if they do come, without licence, they may be punished severely, and the laws be put in execution against them. 3. That if any English woman, that is a Papist, be about the court, she may not reside there. 4. That no pension be given to any living beyond seas, which is of dangerous consequence. 5. That English ladies, Papists, be removed from court; and the king moved for his assent, that the persons of the most active Papists be restrained, as shall be necessary for the safety of the kingdom, be they lords or others."

"Concerning the Nuncios.

VII. "That it may be declared, by an act of parliament, that if any man shall presume to come to this kingdom, with instructions from the Pope or the court of Rome, that he shall be in the case of High Treason, and out of the protection of the king and the laws."

"Concerning the Security and Peace of the Kingdom.

VIII. "1. That men of honour and trust be placed lord lieutenants in every county; and that direction be given to these lieutenants, to be careful in the choice of their deputies. 2. That the Trained Bands be furnished with arms, powder, and bullet; and that they be exercised and made ready for service. Also that an oath be prepared to pass both houses of parliament, to be taken by the lord lieutenants, deputy lieutenants, and other officers of Trained Bands, to secure their fidelity in these dangerous times. 3. That the Cinque Ports, and other ports of the kingdom may be put into good hands; and a list of those who govern them now may be presented to parliament, and those persons altered upon reason; and that special care be taken for reparation and provision of the forts. 4. That the lord admiral* (that noble lord, in whose honour the house of commons stands secure) be desired to inform the parliament in what case the Navy is; that if there be any defect, it may be provided for out of the money which is to come upon the bill of Tonnage and Poundage; and that if any suspected person have any command in any of his majesty's ships, he may be removed."

IX. "That his majesty would be pleased to give direction to his learned counsel to draw a general Pardon, in such a large and beneficial manner, as may be for the security of his subjects."

X. "A select committee of the lords to join with a proportionable number of the commons, from time to time, to confer about these particular courses, as shall be most effectual for reducing of these Propositions to effect the public good."

Orders relating to disbanding the Armies.] June 25. A committee of ten lords were sent to the king, to desire that his majesty would declare the disbanding of the five Regiments, &c. according to the tenor of the first of these Propositions; and this day the king's Answer was reported back to the house, "That his majesty gave way to their lordships desires, and to the advice of both houses of parliament; but wished them to take such care therein, that the disbanding be both honourable and safe:" adding, "That the Pope's nuncio should be presently sent out of the kingdom."

The Answer which the Scots Commissioners made to the request of both houses, about causing their army to retire from the river Teese, at the same time the English regiments were disbanding, was also reported to the lords: "That they would presently dispatch a messenger to their general, and they are confident that he will do accordingly, when he understands it: also that they agreed to a cessation of arms for 14 days longer; and, lastly, they desired that the Resolutions and votes of the house of commons, concerning an act of parliament of public faith, relating to the security of the money due to them, called 'Brotherly Assistance,' which was 220,000*l.* might pass with the consent of both houses.'

The earl of Holland, lord general of the English army, reported to the house, "That, notwithstanding the king had given his consent for the disbanding the 5 Regiments, he was of opinion the army could not well be disarmed, without some power to punish such as should mutiny, or refuse to be disbanded; therefore desired the house to take this into consideration." On this a Mutiny-Act, to punish such as should be refractory, was agreed to be proposed to the commons, which was only to serve the present purpose, and die with it: but the commons thought it better to desire the general to execute martial law on such persons; who answered, "That he would go down immediately, and take all the precautions possible; and though the disbanding armies might be irksome to some who delight in action, yet, for his part, he had rather see those armies turn their backs one to another than their faces, for the quiet of the kingdom."

June 26. Notwithstanding these precautions, the house of commons seemed to be uneasy about the disbanding of these forces; for this day it was resolved, "That this house holds it fit the lords be moved to desire his majesty, that a Proclamation may presently go down, to declare, That those that should disobey the lord general, or their officers, in disbanding the Army, shall be punished severely, as in contempt of the king and parliament." Likewise it was resolved, "That a command shall be given to the high sheriff of every county, the lord lieutenants, deputy lieutenants, and the justices of peace, to give aid and assistance to the safe conduct of such soldiers as

* The earl of Northumberland.

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shall pass through their several counties, till they come to their own homes." Both these articles were agreed to by the king, and orders given accordingly.

The same day the lords debated the ten Propositions sent from the commons; and when they had proceeded to the 4th Article, concerning the queen, it was ordered, "That this head and branches should be laid aside, for the present, till the articles made at the marriage be seen." The rest of them were all agreed to, except some few branches, which were left to be treated of by the committee; and seven lords were appointed for that purpose, according to the tenor of the tenth Article.

The Parliament desire the King to defer his Journey into Scotland.] The lords, at the request of the commons, having sent a deputation of their house to wait upon his majesty, to acquaint him with the humble desires of both houses, that he would be pleased to defer his intended Journey into Scotland, for a time, till the great affairs of the kingdom, now in agitation in parliament, be dispatched, the earl of Warwick reported this Answer, "That his majesty had engaged himself, by proclamation published in Scotland, to be there, in parliament, at a certain day; but he would this day speak with the commissioners of Scotland, and then would give further answer to both houses." —On the 28th, The earl of Bristol acquainted the lords, that the king had commanded him to let them know, "That he had spoken with the Scots commissioners, touching the deferring of his Journey into Scotland for a little time; and that the commissioners said, That when this motion came to them from parliament, so as it might appear that the deferring came not from the king, but from the desire of both houses to accommodate the affairs of this kingdom, they will give such an answer as shall be fitting." Hereupon the lords agreed to desire a conference with the other house, to consider of what shall be propounded to the Scots commissioners, that it may be given them in writing, and they to be desired to return their Answer in the same manner.

The Proceedings against the Archbishop of Canterbury revived.] June 28. A message was sent up from the commons, by Mr. Pym, who was commanded to let their lordships know, "That formerly they brought up an Impeachment of High Treason against the archbishop of Canterbury, which hath been asleep ever since; but now they intend to proceed and examine divers witnesses concerning that business; therefore he desired their lordships to appoint a select committee to examine such as the house of commons shall produce; and that to be in the presence of such of their own members as the house shall appoint. In all things else as in the case of the earl of Strafford." All which were agreed to by the lords.

Declaration of the English to the Scots Commissioners, in relation to the King's Journey.] June 29. The affair of the King's Journey into Scotland came again before the lords, when the earl of Bristol reported to the house, "That the English commissioners had met with those for Scotland, and had delivered to them the Paper concerning the time of the King's Journey, which was read in these words:

"His majesty hath commanded us to let you know, that whereas he hath been petitioned by both houses of parliament, for some stay of his Journey into Scotland, until the armies are disbanded, and that divers other things, for the peace and good of this kingdom, be settled; and whereas his maj. doth acknowledge himself engaged, by his promise, by his letters, and likewise by his proclamation, declaring his resolution to be present at the holding of a parliament in Scotland, at the day limited by proclamation; his maj. being desirous to give satisfaction to the parliaments of both kingdoms, hath commanded us to declare unto you the desire of the parliament of England, and to treat with you how his going may be best fitted and accommodated to the conveniency of both kingdoms, and the desire of both parliaments."

The Scots Commissioners Answer.] The Answer of the Scots Commissioners was as follows:—"We do, with all thankfulness, acknowledge his majesty's royal and tender care of settling the affairs of his antient and native kingdom of Scotland, and the constancy of his resolution, according to his royal promise and proclamation, to be present at the day appointed. Our affection also towards the settling of the affairs of the kingdom of England, and desire of both houses of parliament, that his majesty's Journey to Scotland may be stayed for some time, to that effect, doth so far prevail with us, that we shall deal most earnestly with the parliament of Scotland, that they may adjourn their meeting till the 5th of August: or, if they shall find that a new adjournment of the parliament, after so many prorogations, be so prejudicial to the present condition of the affairs of the kingdom, that it cannot be granted, we will endeavour that they may, in their meetings, be only exercised in preparing matters for the parliament; and that they determine nothing, nor make any act, until the day designed for his majesty's coming: but withal we must certify, that the present constitution of that kingdom, for want of councils, sessions, and other courts of justice, and many other difficulties daily, through delays, growing greater, is such that it cannot suffer any longer delay: and therefore we desire that the houses of parliament would be pleased so far to express their reciprocal respect to our affairs, that they will give present assent to his majesty's coming in his royal person, at the day aforesaid; without which we can have no ground to deal with the parliament to the effect above written.

"ADAM BLAIR, Sec."

This Answer being read, the lords resolved to have a conference with the commons concerning it; and a message was dispatched to

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them for that purpose: at which conference the foregoing papers were again read, and the sense of the house of lords upon them. But the commons, being returned, resolved, "To desire the lords to join with them in petitioning his majesty, that he would be pleased to stay his Journey into Scotland until the 10th of August; and that, if then he shall please to take his Journey, this house shall submit unto it." Which resolution was agreed to by the lords.

July 2. The Bill for a Poll-Tax was sent up to the lords, which, with the amendments, being read, they were agreed to by that house: but a Memorandum was entered, as a Salvo, for preserving the privileges of the peers of this realm, for rating and taxing themselves, in subsidies, by members of that house in time of parliament.

Petition against selling Titles of Honour.] A message was sent by the lords to the other house, to desire they would join with them in a Petition to the King, "That Titles of Honour may not be bought and sold for money; but that they might be conferred, by his majesty, on virtue and merit, as it antiently was." Also the house of commons were desired to join with the lords in a bill for preventing of this hereafter.

Acts passed for raising a Poll-Tax, and for taking away the Star-Chamber, &c.] July 3. This day the commons sent up three bills, which had passed their house to the lords, entitled, 1. An Act for the speedy Provision of Money, for disbanding the Armies, and settling the peace of the two kingdoms of England and Scotland: 2. An act for regulating the King's Council, and for taking away the court commonly called the Star-Chamber: 3. An act for the repeal of a branch of a statute, 1. Eliz. concerning Commissioners in Causes Ecclesiastical. And the commons desired their lordships, that the king might be moved, presently, by both houses, to give his royal assent to the bills aforesaid.—The lords, who attended the king with the above message, brought for answer, "That his majesty would come and give the royal assent to the bill concerning Poll-Money this morning; in regard it relates to the Disbanding of the Armies, and the present ease of the kingdom: as for the other two bills, in regard his majesty hath not been made acquainted with the particulars before now, he will consider of them and give an answer in 2 or 3 days."

This Answer being communicated to the commons, they immediately dispatched one of their own members to the lords again, to acquaint them, "That the commons having taken into consideration his Majesty's Answer to the message, That he will only give his royal assent, this day, to the bill for Poll-Money,' they conceive that the passing the other two bills, for taking away the Star-Chamber, and the High Commission-Court, will very much conduce to the speedy payment of the Poll-Money: therefore they desired that his majesty might be moved, again, to give his royal assent to all the 3 bills together, with convenient speed." This message was sent to the king by the same committee of lords as before; to which his majesty said, "That he would be at the house that afternoon, and return an Answer himself."

The Speaker's Speech to the King, upon presenting the Poll-Tax Bill.] Accordingly in the afternoon of this day, the king came to the house of lords, when, the commons being sent for, his majesty made a short speech to both houses, not entered in either of the Journals; after which the Speaker, upon presenting the Poll-Tax Bill, made the following speech:

"Most excellent and Gracious Sovereign; The government of this common-wealth rests in the rules of order, and hath so much affinity and consent with the rules of nature, in the government of the world, that the first copy and imitation of the one may seem to be taken from the original and first model of the other. This contemplation casts our eyes upon your sacred majesty, as that cœlestial orb, which, never resting without the office of perpetual motion to cherish the lower bodies, not enriching itself with any treasures drawn from below, exhales in vapours, from the inferior elements, what, in due season, it returns in showers. The application makes us consider ourselves those sublunary creatures, which, having their essence and being from the influence of those beams (as the flowers of the field) open to receive the glory of the sun. In this relation both contribute to the common good; your sacred majesty, as a nursing father, designed to bestow on your people the blessings of peace and unity; and we, as the children of obedience, returning our duties and affections in aids and tributes. And thus compacted in one body by the ligaments of religion and laws, we have been the object of admiration to the whole world. Amidst the distractions of foreign nations, we only have sat under the shadow of our vines, and drank the wines of our own vintage. But our crafty adversaries (perceiving that the fervent profession of our own religion, and the firm observation of our laws, have been the pillars of our prosperity) by subtile insinuations, do pretend a politic necessity to admit of moderation in our religion, to comply with foreign princes; and suggest it as a principle in the rules of sovereignty, to require and take, not ask and have; that it must *postulare* by power, not *petere* by laws; and keep up these miseries of war and calamity between nation and nation, and put us in the posture of gaze to the whole world. But when we behold your sacred majesty, descended from the royal loins of that glorious king, who by his wisdom and policy, first ingrafted the White Rose and Red upon the same stock; who sheathed the sword that had pierced the bowels of so much nobility, glutted with the blood of the people; and then laid the first hopes of the happy union between the nations: when our thoughts refresh themselves with the happy

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memory of that religious king, your gracious father, on whose sacred temples both diadems were placed, wreathed about with this motto, 'Faciam eos in gentem unam,' we cannot but believe that God and nature (by a lineal succession from those fathers of peace hath ordained you that lapis angularis, upon which the whole frame settles; and put into the hand of your sacred majesty the possibility and power to confirm and establish this happy union between your kingdoms; and so raise to your memory a statue of glory and wisdom from generation to generation.—In all this length of time, the assurance of this union and peace hath been the chief object of our desires; our purses have been as open as our hearts, both contributing to this great work, manifested by so many subsidies already presented, sufficient, in our first hopes, for its full perfection. But, finding that fail, have again adventured upon your people's property; and, in an old and obsolete way, new burnished by the hand of instant necessity, expressed to the world the hearts of a loyal people; and, howsoever gilded with a new name of tranquillity and peace to your kingdoms, that with more ease the people may digest the bitterness of this pill, yet still our hearts had the same aim and object. A gift suitable to a necessity of so vast extent, that time cannot parallel it by an example: and by which, if your sacred majesty vouchsafe your royal assent, which we humbly pray, we shall not doubt you may soon accomplish those happy effects, that may present your wisdom the object of wonder, and your policy to be admired amongst the nations."

The king, at this time, gave the royal assent to the Poll-Bill only: For the other two his majesty said, as before, "That he had not considered of them, being bills of great consequence: but he would inform himself concerning the particulars, and return an Answer in a few days." This delay, we are told by Rushworth and Nalson, gave great disgust to the commons, though nothing of that kind appears in their Journals.

The King's Speech at giving his Assent to the Bills for taking away the Star-Chamber, &c.] June 5. The King came again to the house of lords; and, being seated on the throne, and the commons present, his majesty made the following speech:

"My Lords and gentlemen; I come to do the office which I did on Saturday last, to give the determination to these two bills; but, before I do it, I must tell you, that I cannot but be very sensible of those reports of discontent, that I hear some have taken for not giving my consent on Saturday. Methinks it seems strange that any one should think I could pass two bills of that importance as these were, without taking some fit time to consider of them; for it is no less than to alter, in a great measure, those fundamental laws, ecclesiastical and civil, which many of my predecessors have established.—If you consider what I have done this parliament, discontent will not sit in your hearts. I hope you remember I have granted, That the Judges, hereafter, shall hold their places, *quam diu bene se gesserint*. I have bounded the Forests, not according to my right, but according to the late customs. I have established the Property of the Subject, as witness the free giving up, not the taking away the Ship-Money. I have established, by act of parliament, the property of the subject in Tonnage and Poundage; which never was done in any of my predecessors times. I have granted a law for a Triennial Parliament; and given way to an act for the securing of monies advanced for the disbanding of the armies. I have given free course of justice against Delinquents. I have put the laws in execution against Papists.—Nay, I have given way to every thing that you have asked of me; and therefore, methinks, you should not wonder, if, in some things, I begin to refuse: but, I hope it shall not hinder your progress in your great affairs, and I will not stick upon trivial matters, to give you content. I hope you are sensible of these beneficial favours bestowed on you at this time.—To conclude: you know, by your consent, there is a prefixed time set for my going into Scotland; and there is an absolute necessity for it. I do not know but that things may so fall out that it may be shortened; therefore I hope you will hasten the dispatching of those great businesses that now are necessary to be done, and leave trivial and superficial matters to another meeting. For my part, I shall omit nothing that may give you just contentment, and study nothing more than your happiness; and therefore I hope you shall see a very good testimony of it, by passing these two bills." The clerk of the parliament having pronounced the royal assent, his majesty continued as followeth: "I have one word more to speak unto you, and take now an occasion to present unto both houses, that thereby I hope all the world shall see that there is a good understanding between me and my people. It is concerning my nephew, the prince elector Palatine, who having desired me and the king of Denmark to give way to a writing concerning the Diet at Ratisbon with the emperor, I could not but send my ambassador to assist him, though I am afraid I shall not have so good an answer as I wish: which my nephew foreseeing, hath desired me, for the better countenancing of the same, to make a Manifesto in my name, which is a thing of great consequence; and if I should do it alone, without the advice of my parliament, it would rather be a scorn than otherwise: therefore I do propose it unto you, that if you will advise me to it, I do think it were very fit to be published in my name."

The King's Manifesto in Favour of the Elector Palatine,] This Instrument ran in these words:—"Charles, by the grace of God, king of Great Britain, &c. To all to whom this present Manifesto shall come, greeting. To the end that the endeavours of our late dear father, king James, of blessed memory, and our own proceedings, since his

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death, in the cause of our dear and only sister, brother-in-law, and nephews, electors and princes Palatine of the Rhine, may not be forgotten, or pretendedly unknown; wherein we have studied and laboured nothing more than the peace of Christendom, and the avoiding the effusion of innocent blood, by seeking the restitution and re-establishment of the Electoral House Palatine, in their antient rights, dignities, and possessions within the empire; out of which they have been, by violence and force of arms, and other undue proceedings, expelled and banished, contrary to the antient laws and constitutions of the sacred empire: we have thought fit, for the vindication of our own honour, to call to mind, and to publish to all the world, both a summary relation of our actions and endeavours past, and our present resolutions in the same cause.—It cannot be unknown to all the princes and estates of Europe, and more particularly to those who have had any interest or relation to the public affairs of Germany, how both ourself and our father, have, for these 20 years past, by many and several ambassages, treaties, and other negotiations, to our great expence and charges, both with the late emperor Ferdinand, the king of Spain, and other princes and estates of the empire, endeavoured, by all friendly and treatable means, to procure the restitution and re-establishment of our said dear sister, brother-in-law, and nephews, in their antient rights and possessions, as the only and possible way to settle a good and firm peace in the empire, and consequently with all princes interested therein; without which it is impossible to expect or hope for a good, durable, and honest pacification of those troubles which have already almost rent, consumed, and involved all the princes of Christendom in a most bloody and destructive war. And for a clear demonstration of our sincere intentions, not only our own pious inclination, and care of the public peace, hath induced us to omit divers occasions, whereby we might, by such power as God hath put into our hands, have prevented the violences and oppressions used to our said sister and nephews; but we have been led on, and invited thereunto, by divers promises, assurances, and several letters, both from the late emperor, the king of Spain, and other usurpers of the inheritances of the electoral House Palatine, that they would at last, in contemplation of our mediation, hearken and incline to a just and honest peace, by the restitution of the estates and dignities of our dear sister and nephews; whereby we have been drawn not only to pass by our own and the public interest, and to forbear to engage our arms in so just a cause, but also have procured, by our father's and our authority, the withdrawing and disbanding of the forces of count Mansfelt out of the Palatinate; and advanced divers truces and cessations of hostility or defence, only to prepare the way of amicable composition, according to the hopes and promises to that end given us; and, particularly, have caused the surrender and deposition of some places of strength into the hands of the late Infanta of Spain, upon reciprocal assurances of a final pacification or restitution.—But what effects all these our peaceable and Christian endeavours have produced, and how all our pious negotiations have been either delayed or deluded; thereby and by process of time to root and establish the usurpations of the House Palatine, and our patience and piety thereby abused, is so manifest by the continued oppression of our said dear sister and nephews, that we are forced to protest, that there hath nothing succeeded, either to our desires or hopes, but a resolution of despair of ever obtaining, by the ways of justice, treaty, or amity, that which hath been so often promised to, and expected of, the lovers of Christian peace.—Notwithstanding we have lately received advice from our dear uncle, the king of Denmark, that, at last, by his mediation and procurement, the present emperor and the duke of Bavaria have condescended to a Treaty to be held, at the Diet of Ratisbon, upon the 6th of May last past, for the reviewing and the resettling of the controversies of the House Palatine, as a preparation and inducement to a general peace and amnesty through the whole empire; and that he, with some of the electors of the empire, is accepted as a mediator of the said cause, and hath received strong and pregnant assurances of a better inclination and disposition toward the re-establishment of the electoral family, in their rights and dignities; and, to that end, hath procured convenient safe-conduct from the emperor to our nephew and his brethren, freely to come in person, or to send their deputies to that diet, at the time and place appointed; with all other clauses requisite for their safely going, abiding, or coming from thence, and there to plead the justice of their own cause; and that, in prosecution thereof, he hath instructed and dispatched his ambassadors to assist either in person, or by the deputies of our nephews, at the said treaty of pacification; and hath desired us herein to comply with him, by sending our ambassadors qualified and instructed to the same purpose of procuring a good and settled peace within the empire, according to the intimation of the princes electors, signified to him by their letters, thereby desiring us to assist in the present assembly at Ratisbon.—To which end, our nephew, the prince elector Palatine having resolved, by our counsel and advice, to send his deputies according to the invitation and hopes intimated of a good issue to be expected by the amicable way of treaty and composure, we have also thought fit not to be wanting to so good a design, so concurrent to our own and the desires of so many princes: and, in some hope of better fruit than hitherto all our endeavours have produced, have resolved to make this our last trial by the way of treaties, and to send our ambassador to the emperor and other princes in the said diet assembled:

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and, to that purpose, have given him full power and instructions to contribute all our authority to the procurement and settlement of a good and blessed peace, by the re-establishment and restitution of the possessions and dignities of our said dear sister, nephews, and electoral family; without which no peace can be either honest or secure: hereby exhorting and desiring all other kings, princes, and states, our friends, allies, and confederates, who shall either be present at the said diet, or shall have their ambassadors or deputies there, that they will be assisting to the justice of so good a cause, and to so great a blessing, as the restoring of peace to the almost desolate estate of Germany.—But because we may have just cause to doubt, by many experiences of our former endeavours, that the issue and fruit of this meeting may not be answerable to our just expectation; but rather that it may produce contrary effects, to the prejudice of the justice and rights of our said nephews and their family, (which God forbid) we are hereby forced to protest against all acts, sentences, conclusions, or determinations whatsoever, which shall or may be had, made, or declared, either in confirmation of the oppressions and usurpations past, or any additions thereunto for the future, as invalid and of no power or effect. In which case, being contrary to our desire and expectation, we also further protest and declare, that we will not abandon either our own or the public interest, nor the cause, rights, and just pretences of our dear sister and nephews, and other princes and states involved within their oppressions; but that we will use and employ all such force and power wherewith God hath enabled us, both by our own arms, and the help and assistance of all our allies and friends, to vindicate our own honour, the public peace, and redress of the injuries, usurpations, and oppressions of our said dearest sister and nephews, and their illustrious family.—And hereby, as we do profess to use all our endeavour and power to promote a happy and desired peace, for the consolation of the distressed empire, so we do appeal to Almighty God, the Inspector of the hearts of all princes, and to the world, the spectator of all our just actions, that we will be innocent, before God and the world, of all the evils that may ensue, if these our last hopes shall be delayed or abused."

This Manifesto being read, it was ordered that a copy of it be sent to the Commons.

Sir B. Rudyard's Speech in Support of the Manifesto.] In compliance with his majesty's speech, the house of commons took the Prince Elector's condition into consideration: the Manifesto was read, and a debate took place upon it, at which

Sir *Benjamin Rudyard* made the following speech:* 'Mr. Speaker; This great affair of the Palatinate concerneth this kingdom in nature, in honour, in reason of state, in religion. We all know how near in blood the Prince Elector is to his majesty. Many of us here know what solemn protestation hath been made in this place, for the recovery of the Palatinate, by which we are bound in honour to pursue it with our best assistance.* God hath so framed the powers of man, and so ordered the course of things in this world, as that, in all actions, right reason and true religion may well hold, and go together. If we consider religion according to reason of state, we shall find that Christendom divides itself into two sides; with the Pope, and against the Pope. His majesty is the greatest king of the Protestant religion, and therefore fittest to be the head of that party, which will add more greatness to him than can be gotten any other way. The means to it are, first, to preserve religion sound and entire within his own kingdoms at home. Next, to unite the homogeneal parts of it, pieces of the same, together, by alliances and confederations abroad. The good effects of this German Match was lost by the ill counsels of those times: it will be an honour to us to repair it by better. The restoring of the Prince Elector to his territory and dignity, will restore religion there; will strengthen it, may increase it further in Germany; which consideration is of a great and vast consequence, proportionable to the greatness and vastness of that country. It will likewise refresh and comfort the sorrowful heart of that most noble, virtuous, and magnanimously-suffering queen of Bohemia, his majesty's sister, his highness's mother; who is ever to be highly and tenderly regarded by this house, by this kingdom. This is a fit conjuncture of time to begin it in, whilst the king of Spain hath so much to do of his own, as he is not able to afford his usual aids to the Emperor; which probably may induce the Emperor to abate of his former resolutions. That which is now propounded is only a Manifesto, to express and declare our zeal and heartiness to the cause, and thereby to give it countenance and reputation in the present Diet at Ratisbon. Reputation in matters of state doth many times prevail as much as substance. His majesty's father, of blessed memory, and himself, have, for many years, mediated and treated with the successive emperors, by all fair and amicable ways. They have been deluded, they have been neglected. It behoves us, Mr. Speaker, to be Englishly sensible of the injustice, of the indignity. Wherefore my humble motion is, That the house will be pleased, presently, to name a select committee, to compose a Declaration suitable to the importance of the cause.'—But the further consideration of this Manifesto was deferred till the 7th.

This day, Mr. Treasurer (sir H. Vane) acquainted the house, that Rosetti, the Pope's Nuncio had left England.—A message was also delivered from the king, concerning the

* From the original edition, printed by Francis Constable, 1641.

* See Vol. I. p. 1292.

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Queen-Mother, who was very desirous to depart the kingdom; only money was wanting to defray her charges, which would amount to no less than 10,000*l.* Upon which the commons immediately consented that there should be so much paid out of the Poll-Money for that service.

Articles of Impeachment against Dr. Wren, Bishop of Ely.] July 5. p. m. Sir Thomas Widdrington brought in 25 Articles against Matthew Wren, late bishop of Norwich, now bishop of Ely; which being read, and singly voted, were ordered to be engrossed. These Articles were as follows:

"The said Matthew Wren, being popishly and superstitiously affected, did, at his first coming to be bishop of Norwich, in 1635, endeavour, by sundry ways and means, to suppress the powerful and painful preaching of the word of God; did introduce divers orders and injunctions, tending to superstition and idolatry; did disturb and disquiet the orderly and settled estate of the ministers and people, and churches of that diocese, to the great prejudice of his majesty; the great grief and disquiet, and hazard of the estates, consciences and lives of many of his loyal subjects there; to the manifest bringing in, and increasing of prophaneness, ignorance, and disobedience in the common people, as by the particulars ensuing may appear. I. Whereas many chancels of churches, during all the time of queen Eliz. king James, and of his maj. that now is, had laid and been continued even and flat, without any steps ascending towards the east-end of the same; and are, by the rubrick in the book of Common-Prayer, ordered to continue as they were, and so ought to have continued: he, of his own mind and will, without any lawful warrant or authority, in 1636, being then bishop of Norwich, ordered and enjoined, that the same should be raised towards the east end, some 2, some 3, some 4 steps, that so the Communion Table, there placed Altar-wise, might be the better seen of the people. II. He, in the same year 1636, ordered, that the Communion Table (which is appointed by the said rubrick, at the time of the celebration of the Holy Communion, to be placed in the body of the church or chancel, where divine service is usually read, and where the people might best hear) should be set up close under the wall, at the east-end of the chancel, altar-wise, and not to be removed from thence; whereby the minister, who is by the law to officiate at the north side of the table, must either stand and officiate at the north-end of the table, so standing altar-wise, or else, after the popish and idolatrous manner, stand and officiate at the west-side of the table, with his back towards the people.—III. He enjoined, that there should be a rail set on the top of the new raised steps before the communion table, so set altar-wise as aforesaid, which rail should reach from the south-side of the chancel to the north-side; within which the minister only should enter as a place too holy for the people; and some of the people were punished for stepping into it. IV. The more to advance blind superstition, he ordered, that all the pews in the churches should be so altered, that the people might kneel with their faces eastward, towards the communion table, so set altar-wise as aforesaid; and that there should be no seats in the chancel above, or on either side, even up with the said table. V. He enjoined, that every minister, after he had finished the reading of some part of the morning-prayer at the desk, should go out from the same to the holy table, set altar-wise, as to a more holy place; and there, when no communion was to be administered, read at the said table a part of the communion service, now commonly called, 'The Second Service,' whereby the consciences, both of the minister and people, have been not only very much offended and grieved; but also the service itself was made very unprofitable to the people, who could not hear what was said or prayed in that place. VI. That both he in his own person, his chaplains, and others of the clergy following his example, did, ever after the table was so set altar-wise, use and perform such, so many, and so frequent bowings and adorations before and towards the said table, as have been dangerous examples to draw others to the like superstitious gestures; and have given great scandal and offence to the sound, sincere, and well-affected Christians. VII. He enjoined all the people to come up to the rail to receive the holy communion, and there kneel, and do reverence before the holy table, placed altar-wise; and gave directions to the ministers not to administer the communion to such people as should not so come up, and do such reverence as aforesaid; and that the minister should, within the rail, deliver the bread to such people only as should so come up and kneel before the said table as aforesaid. This was to the offence of the consciences of many good people; who, for fear of idolatry and superstition, durst not come to kneel at the said rail before the table so placed altar-wise; and many people not coming up thither, though presenting themselves upon their knees in the chancel, have not had the communion delivered unto them; and afterwards, for not receiving, have been excommunicated. VIII. He did enjoin and command, that there should be no sermons on the Lord's days, in the afternoon, or on the week days at all, without his licence. And also enjoined, that there should be no catechizing, but only such questions and answers as are contained in the book of the Common Prayer; not allowing the ministers to expound, or open, the same to the people; he and his under-officers affirming in public places, that such an exposition might be as ill as a sermon. And, the more to hearten and confirm the people in prophaning the Lord's day, he enjoined the ministers to read publickly, in their churches, a book published 'Touching Sports on the Lord's day:' for not reading whereof, some ministers were, by the command and di-

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rections of the said bishop, suspended, some deprived, and some otherwise troubled. By all which, knowledge was suppressed, and ignorance and prophaneness introduced in that diocese.—IX. There having been formerly two kinds of ringing of bells, and calling people to the church, in that diocese, viz. one kind when there were only prayers to be read, and another kind when there were both prayers to be read and a sermon preached; whereby the people did apply themselves to the service of God in those places, where both prayers and preaching was to be: he, to hinder the people in their good desires of serving of God and edifying their souls, did command and enjoin, that there should be no difference in ringing of bells to church, when there was a sermon, and when there was none.—X. Whereas many godly ministers, for the preventing of the great sin in the people of unworthy receiving the holy communion of the Lord's Supper, did use to preach 2 or 3 days before every Communion, a preparation sermon, to prepare and instruct the people in the right and worthy receiving of the communion: he, the said bishop, did forbid minis ers to preach any such preparation sermon in that diocese.—XI. Whereas all God's Ordinances are sanctified and made fruitful by the blessing of God upon them by prayer: he, endeavouring to suppress the power and benefit of prayer, enjoined, that no minister should use any prayer before his sermon; but move the people to pray only in the words of the 55th Canon, made A. D. 1603, (which canon was not warranted by the law,) that no prayer should be used before or after the sermon: and he, in his own person, having been at the sermon in the town of Ipswich, when the preacher did use or make any other prayer, did sit upon his seat, without using, or giving any reverence by kneeling, or otherwise, thereby to discountenance such prayer. And he, commanded and enjoined, that no prayer should be made in the pulpit for the sick; and that such as were prayed for in the Reading Desk, should be prayed for only in the two collects prescribed for the Visitation of the Sick in private houses.—XII. He, the more to alienate the people's hearts from hearing of sermons, commanded and enjoined all ministers to preach constantly in their hood and surplice; a thing not used before in that diocese, and much offensive to the people as a scandalous innovation. And the parishioners of Knatshall wanting a surplice; he did, by his officers, enjoin the church-wardens there, that no prayers should be read in that church till they had got a surplice; which they not getting for the space of two Lord's Days after, had no prayers there during that time.—XIII. That during the time of his being bishop of Norwich, which was about 2 years and 4 months, there were, (for not reading the second Service at the Communion-Table set Altar-wise; for not reading the Book of Sports; for using conceived prayers before and after sermon; and for not observing some other illegal innovations of him and his under-officers) by and upon his directions and injunctions, sundry godly and painful preaching ministers, to the number of 50, excommunicated, suspended or deprived, and otherwise censured and silenced, to the undoing of many of them, their wives and children; and they could not be absolved, without giving promise to conform to his directions, *editis & edendis;* by means whereof some ministers were enforced to depart this realm into Holland, and other parts beyond sea; others, of Norwich, to remove into other more peaceable dioceses; and some of them so prosecuted, as hath been suspected to be the cause of their deaths; the terror of which proceedings hath caused other ministers to leave their cures and go away; and if a stranger preached at the cure of such person suspended, the church-wardens permitting such person to preach were enjoined penance, and otherwise troubled.—XIV. That, during the time he was bishop of Norwich, he did unlawfully compel the inhabitants of the several parishes within that diocese, to raise the floors of the chancels of their respective churches; to rail in their communion-tables; to remove the pews and seats, and to make other alterations in their respective churches; in the doing whereof the said inhabitants were put to great, excessive and unnecessary charges and expences, amounting, in the whole, to 5000*l.* and upwards; which said charges and expences he did, by unlawful means and courses, enforce the said inhabitants to undergo: and such of the said inhabitants as did not obey the same, he did vex, trouble, and molest by presentments, citations, excommunications, tedious and frequent journies, and by attendances at the courts of his chancellor, and other his officials—XV. That, for not coming up to the rail to receive the Holy Communion, kneeling there before the table Altar-wise, for not standing up at the Gospel, and for not observing and performing of his unlawful innovations and injunctions, many other of his majesty's subjects have been, by him, his chancellors, visitors, commissaries, and officials, by his commands and injunctions, much molested, disquieted, and vexed in their estates and consciences, by the citations to courts, long attendance there, dismission, fees, excommunications, penances, and other censures. XVI. That, by reason of the rigorous prosecutions and dealings in the last preceding Articles mentioned, and by reason of the continual superstitious bowing to and before the table, set Altar-wise; suspending, silencing, and driving away the painful preaching ministers; the suppressing and forbidding of sermons and prayer; the putting down of lectures; the suppressing means of knowledge and salvation, and introducing ignorance, superstition and prophaneness, many of his majesty's subjects, to the number of 3000, many of which used trades of spinning, weaving, knitting, and making of cloth, stuff, stockings, and other manufactures of wool; some of them setting 100 poor people

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on work, have removed themselves, families, and estates, into Holland, and other parts beyond the seas, and there set up and taught the natives there the said manufactures; to the great hinderance of trade in this kingdom, and to the impoverishing and bringing to extreme want very many, who were, by those parties, formerly set on work, to the great prejudice of his majesty and his people.—XVII. That he, the said bishop, finding the people distaste his innovations, hath often, in public and private speeches, declared, in the said year 1636, that what he did in the same was by his majesty's command; whereby he, contrary to the duty of his place which he held under his majesty, being dean of his majesty's chapel royal, and contrary to the duty of a good and faithful subject, endeavoured to free himself from blame, and to raise an ill opinion of his royal majesty in the hearts of his loving subjects.—XVIII. That he, the said Matthew Wren, being bishop of Norwich in the said year 1636, in the Tower-Church in Ipswich, and other places, did, in his own person, use superstitious and idolatrous actions and gestures in the administration of the Lord's Supper; consecrating the bread and wine, standing at the west-side of the table with his face to the east; and, his back towards the people, elevating the bread and wine so high, as to be seen over his shoulders, bowing low, either to or before them, when he, after the elevation and consecration had set them down on the table.—XIX. That he, the more to manifest his Popish affection, caused a crucifix, that is to say, the figure of Christ upon the cross, to be engraven upon his episcopal seal, besides the arms of the see.—XX. That he hath chosen and employed such men to be his commissioners, rural deans, and to be his houshold chaplains, whom he knew stood affected to his innovating courses, and Popish superstition, and to be erroneous and unsound in judgment and practice.—XXI. That he hath very much oppressed divers patrons of churches, by admitting, without any colour of title, his own chaplains, and others whom he affected, into livings which became void within his diocese; unjustly enforcing the true and right patrons to long and chargeable suits to evict such incumbents, and to recover their own right; some of which he did against his priestly word, given to the said patrons, or their friends, in verbo sacerdotis, not to do the same.—XXII. That he, and others, in 1635, sold or granted away the profits of his primary visitation for 500*l.* over and above the charges of the visitation; and, for the better benefit of the farmer, set forth a book, in 1636, intitled, 'Articles to be inquired of within the diocese of Norwich, in the first visitation of Matthew lord bishop of Norwich,' consisting of 139 Articles, and wherein are contained the number of 897 questions; according to all which the church-wardens were enforced to present, upon pain of perjury: and some church-wardens and others not making presentments accordingly, were cited, molested, and troubled, and enjoined penance; notwithstanding many of the said Articles were ridiculous and impossible.—XXIII. That the church-wardens and other men sworn at the visitation, were inforced to have their presentments written by clerks specially appointed by such as bought the said visitation; to whom they paid excessive sums of money for the same, some 22 shillings, some more, some less, for writing one presentment, to the grievous oppression of his majesty's poor subjects in that diocese.—XXIV. Whereas, by the laws of this realm, no tythes ought to be paid out of the rents of houses, nor is there any custom or usage in the city of Norwich for such payment; yet the said bishop endeavoured to draw the citizens, and other inhabitants within the said city, against their wills and consents, to pay 2 shillings in the pound, in lieu of the tythes of houses within the several parishes of the said city, unto the ministers there of the said respective parishes. And, the better to effect this his unjust resolution, he did, by false and undue suggestions, in the 14th year of his majesty's reign that now is, procure his majesty to declare, under his great seal of England, his royal pleasure, That if any person, within the said city, shall refuse to pay according to the said rate of 2 shillings in the pound, unto the minister of any parish within the said city, that the same be heard in the court of Chancery, or in the consistory of the bishop of Norwich: and that, in such case, no prohibitions against the bishops of Norwich, their chancellors, or commissaries in the said courts of consistory be granted: and if any such writ be at any time obtained, the judges so granting the same, upon sight of his highness's said order, shall forthwith grant a consultation to the minister desiring the same, with his reasonable costs and charges; which said order and decree, under the great seal of England, tending to the violation of the oaths of the judges, was devised, contrived, and made by the said bishop: and afterwards, by his evil counsels and false surmises, he did obtain his majesty's royal consent thereunto; and by colour of the order aforesaid, and other the doings of the said bishop, the citizens and inhabitants of Norwich aforesaid have been inforced to pay the said 2*s.* in the pound, in lieu of tythes, or else, by suits and other undue means, be much molested, and put to great expences, contrary to law and justice.—XXV. That he assumed to himself an arbitrary power, to compel the respective parishioners in the said diocese, to pay great and excessive wages to parish-clerks; commanding his officers, that if any parishioner did refuse to pay such wages, they should certify him their names, and he would set them into the high commission-court for example to the rest; and that one or two, out of Ipswich, might be taken for that purpose.—And the said commons, by protestation, saving to themselves the liberty of exhibiting, at any time hereafter, any other accusation or impeachment against the said Matthew Wren,

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late bishop of Norwich, and now bishop of Ely; and also of replying to the Answer that he shall make unto the said Articles, or any of them, or of offering proof of the premises, or any other impeachments or accusations that shall be exhibited by them as the case shall, according to the course of parliaments, require; do pray that he may be called to answer the said several crimes and misdemeanors, and receive such condign punishment as the same shall deserve; and that such further proceedings may be, upon every of them, had against him, as is agreeable to law and justice."

After reading these Articles, the commons resolved, "That Matthew Wren, bishop of Ely, is, in their opinion, unfit and unworthy to hold or continue any spiritual promotion or office in the church or common-wealth; and that the lords be desired to join with this house, to move his majesty to remove the said bishop from his person and service." Upon this,

Sir *Philip Parker*, knight of the shire for Suffolk, took occasion to speak as follows*:—'Mr. Speaker; I stand not up in my own particular behalf, but in the universal and general name of the whole kingdom. Alas! Mr. Speaker, they depend all upon our exemplary justice; which, if we do fully execute, will not only give great and plenary satisfaction to our nation, but will likewise cause the land to smile hereafter with the blessed beams of prosperous felicity: but if the least error or smallest deliberation be overseen by us, (Oh! it strikes my trembling mind with horror to think on it) how will all things precipitate themselves into ruin most irrevocable? But I speak not this, as if any here would omit, or extenuate, the supremacy of justice in the least thought. To admonish you of that point, were to bid the moon keep her monthly course, the spheres to reduce themselves in their circumference, or the sun to shine upon the earth. But I speak this only to add a spur unto you, lest we should at any time languish in our Heaven-proceeding journey. The cries of the people have come up to me: the voice of the whole nation tingles in my ears; and, methinks, I hear each subject wish, that we would briefly establish the church-government with all expedition. Let us first begin to confirm our religion, and God will bless our other proceedings the better. That was always my opinion, and, I am sure, the expectation of the whole kingdom. How long have we sat here, and how little have we effected? How much time have we consumed, and what little have we performed therein? How long have we laboured in this our daily travel, and as yet have brought forth but an embryo in what we did intend? 'Tis true, I confess, we have tormented ourselves with daily troubles and vexations, and have been very solicitous for the welfare of the commonwealth; but what have we performed, what have we perfected? I will once more relate what my former opinion was: let us I say, begin in the real establishment of our religion; and, as I said, all our other determinations will succeed with a better omen; for indeed most of our delinquents are linked to this chain, they depend most on this point; therefore we should do well to enter speedily upon the work.—Mr. Speaker, excuse my zeal in this case; for my mouth cannot imprison what my mind intends to let out, neither can my tongue conceal that which my heart desires to promulge. Behold the archbishop, that great incendiary of this kingdom, lies now like a fire-brand raked up in the embers; but if ever he chance to blaze again, I am afraid that what heretofore he had but in a spark, he will burn down to the ground in a full flame. Wherefore, let us begin, for the kingdom is pregnant with expectation in this point. I confess there are many more delinquents, for the judges and other knights walk in querpo; but they are only thunderbolts forged in Canterbury's fire. I look upon them all but as polluted rivers, flowing from that corrupt fountain. Well, is it so then, that all depend on religion? Why are we then so backward in reforming the church? Why do we stick in this point, and not rather proceed in it with all expedition? For indeed, according to the laws of this kingdom, as it hath the dignity of pre-eminence, so let us give it the priority in our determinations.—Mr. Speaker, think with yourself, I pray, in what faction the church is now; in what schism; in what confusion of distracted sectaries it is promiscuously shaken: behold the Papists will have their way, the Brownists will have their way, the Anabaptists their way, the Puritans, as some call them, their way, the Jesuitical Priests their way; and, in these various ways, they make such a labyrinth of religion, that few or none scarce can find out the right way. It behoves us therefore, and is expedient, that we should add a period to these irregular ways, that the vulgar may no longer wander in these distracted paths.—Mr. Speaker, I have now unloaded my mind of her weary burthen; and I beseech you digest my words, with your serious consideration, in this respect of establishing the church government, in true, sincere, perfect, and unpolluted religion; which if we do perform, and fully effect, we shall do great honour to God, get credit to ourselves, and give great satisfaction to the whole kingdom. This is my opinion; this is my expectation; this is my prayer; and, lastly, this is my hope.'

About this time the house of commons made an Order to take away all scandalous pictures, crosses, and figures, within churches or without; and sir Robert Harley, knight of the shire for Herefordshire, was made the executioner of this order. Whitlocke adds, 'That this zealous knight, as he terms him, took down the crosses in Cheapside, Chairing-Cross, and other the like monuments, very impartially.

* From the original edition, printed by G. Mabb, in 1641.

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Impeachment of Six of the Judges.] July 6. A conference was held between both houses, when the commons delivered in six several charges against sir John Brampston, lord chief justice of the King's-bench; sir Robert Berkley, one of the justices of that court; sir Francis Crawley, one of the judges of the court of Common Pleas; sir Humphrey Davenport, lord chief baron of the exchequer; sir Rd. Weston, and sir Tho. Trevor, barons of the said court; in relation to their behaviour in the affair of Ship-Money. Mr. Pierepoint, Mr. Waller, Mr. Crew, Mr. Hyde, lord Falkland, Mr. Newport, and Mr. Gerrard were appointed to carry up the respective charges of Impeachment to the lords, and to desire that the judges might be put to their Answers. All that is entered in the Lords Journals, besides mentioning their names, is an abstract of Mr. Hollis's concluding speech, after the separate impeachments had been spoken to by the other managers. The purport of which was, after some remarks on the misconduct of the before-mentioned judges, a recommendation of sir Randolph Crew to his majesty's favour; who, by chusing rather to lose his office of chief justice of England, than subscribe to the Loan, 1mo Caroli, had distinguished himself as much an assertor of the laws, as the others, in the case of Ship-Money, had appeared the open violators of them. But of the Articles of Impeachment against these Judges we shall take no farther notice, since they are recited at large, not only in Rushworth and Nalson, but also in the State Trials, and most of the historians of these times.

Resolutions as to Breaches of Privilege, &c.] This day the house of commons fell upon the matter of their privileges, in the case of Mr. Hollis and others, 4to Caroli, and, after debate, came to the following Resolutions. 1. "That the Warrants of the Lords, and others of the privy council, compelling Mr. Hollis and others to appear before them during that parliament: that the committing of Mr. Hollis and others, by the lords and others of the privy council, 4to Caroli, during that parliament: that the searching and sealing of the chambers, studies, and papers of Mr. Hollis, Mr. Selden, and sir John Elliot, being members of parliament, and issuing out warrants for that purpose: and that the exhibiting an information, in the court of Star-Chamber, against Mr. Hollis and others, for matters done by them in parliament, being members of parliament, are breaches of privilege. 2. That sir Rob. Heath, sir Humphrey Davenport, sir Heneage Finch, Mr. Hudson, and sir Rob. Berkley, that subscribed the said informations, are guilty of a breach of privilege. 3. That there was a delay of justice towards Mr. Hollis and others, upon the Habeas Corpora, in that they were not bailed in Easter and Trinity term, 5to Caroli. 4. That sir Nicholas Hide, then lord chief justice of the court of King's-bench; and sir Wm. Jones, one of the justices of the said court, were guilty of this delay: but that sir James Whitlocke was not guilty thereof."*

Debate on the King's Manifesto concerning the Palatinate.] July 7. The commons entered into a debate concerning the King's Manifesto about the affair of the Palatinate; and being resolved into a committee of the whole house, and Mr. Whitlocke in the chair.

Sir *Benj. Rudyard* made the following speech:†—'Mr. Whitlocke; If we may do the Prince Elector good, by our good word, I hope we shall not stick to afford it him. A word spoken in due season is worth more than gold and silver at another time. His majesty's ambassador is now at the diet at Ratisbon where the emperor and other princes are, by friendly treaties, endeavouring to make up the breaches of Germany. If this opportunity be omitted, his highness's affairs will be exceedingly cast behind-hand. It is true, that our treaties heretofore have not been prosperous; the reason hath been, because of the then unhappy difference between the king and his people, which brought a disvalue upon this kingdom abroad. But now, when the world shall take notice of the good understanding between his majesty and his subjects, by an earnest and solemn joining of the whole parliament with his majesty's declaration; the propositions, coming from hence, will carry with them more weight, more authority; which is the way to redeem our engagements at an easy rate, to save those great charges which some do so much fear. If we should be backward in this great work, we shall cancel the obligations of nature, of honour, of reason, of state, of religion; all which bind us to it. Wherefore, my humble motion is, That we may draw up a short round Manifesto to wait upon and affirm the King's Declaration, to be still managed by advice of parliament: this will be safe for ourselves, more powerful and effectual for the Prince Elector.'

Sir *Symonds D'Ewes*, member for Sudbury, made a speech upon this subject as follows; which, as it is a faithful abstract of the affairs of Europe, for the last 20 years, deserves particular notice:‡—'Mr. Whitlocke; We have, during this parliament, fallen upon the debate of the greatest and most important affairs, concerning our own good and welfare at home, that ever were agitated and discussed, at one meeting, in the house of commons. And we are at this present, by the gracious invitation of his royal majesty, expressed in his most just Manifesto read unto us, resolved to take into consideration the most sublime and most difficult business of the Christian world abroad;

* See an account of this distinction as to the judges, in Whitlocke's Memorials, p. 37, and the proceedings thereupon in the present volume, p. 520.

† From the original edition, printed by Francis Constable, 1641.

‡ From the original edition, printed by W. Cooke, 1641.

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which hath, for the space of above 20 years last past, drawn all the kingdoms and states of Europe into an immediate or mediate engagement; in which there have been 20 pitched battles fought, a million of men, women, and children destroyed by the sword, by the flames, by famine, and by pestilence; and that, sometimes, populous and fertile empire of Germany reduced to a most extream and calamitous desolation. I have, in those few spare hours I could borrow yesterday from the public service of the house, recollected some few particulars, which may conduce to the clearing of this great cause; being drawn out of the autographs themselves, or out of our records at home, or out of the writings of our very adversaries, and others abroad. I shall, therefore, begin at the original itself of the never-enough to be lamented loss of the prince Palatine's dominions and electoral dignity; that so we may take along with us, in our intended disputes, not only our affections, but our consciences. It is therefore very manifest to all, that are but meanly versed in the cabinet affairs of Christendom, that the Jesuits have consulted, for many years last past, as well before as since the furious wars of Germany, by what means to ruin the evangelical princes and party there. Their chief aim hath been, so to divide the protestant princes amongst themselves, as they might be made use of against each other, for each others ruin.—The first occasion that offered itself within our memories, was the pretences of several competitors to the dukedoms of Cleves and Juliers; and they failed, but a very little, to have executed their intended design upon that occasion: but their hopes failing in it, they apply themselves integrally to Ferdinand of Austria, duke of Gratz; a prince, not long since, so poor, and of so mean a consideration to add the weight of but one grain to the down balancing of the affairs of Christendom, as his name was scarce heard of. They find him a fit subject for them to work upon, having, from his cradle, been bred up in an extreme hatred of the Protestant party, who professed the truth. They resound nothing into the ears of the old emperor Matthias, but his cousin Ferdinand's high merits; so that he, passing by his own natural brothers, and the head of his house the Spanish king, adopts Ferdinand of Gratz for his son: so to prepare a way to make him the successor of his sceptre, crown and purple.—Then were the sacred diets of the empire, the antient means to reconcile differences and prevent jealousies, as often dissolved abortively as called insincerely. Rumours were spread of practices and designs against the Protestant princes and cities: and that those rumours might not vanish in smoke, the liberties of the great and antient city of Strasburg were oppressed. The Protestant princes, seeing materials and engines on every side prepared for their ruin, were necessitated to meet at Heidelberg, and there to conclude an union amongst themselves. This gave the Jesuits an assured hope of making Germany speedily miserable by a calamitous war; for not only the pontifician princes took the opportunity to settle a Catholic League, as they called it, amongst themselves; but also the elector of Saxony, like a true Pseudo-Lutheran, neither Protestant nor Papist, shews as good an affection to the catholic league as the evangelic union.—The old emperor Matthias begins now to act his part, and the Jesuits spur on their ready scholar, Ferdinand of Gratz, to ascend the bloody theatre they had so long designed him. Through the old Emperor's intercession, abusing the Bohemian Protestants credulity, with sugared flatteries and large promises, he is admitted to the crown of that rich kingdom; which soon after made way for him unto the crown of Hungary also.—The Jesuits and the Spaniards did, now, only want a fair occasion to begin a war in Germany. The emperor Matthias labours with the Protestant princes to dissolve their union; which not taking effect, the bishop of Spiers is encouraged, underhand, to pick a quarrel with the prince elector Palatine, and to build a strong fortress upon his neighbour's territories; pretending he had a right to that plot of ground upon which the said fortress was raised: but an higher providence did not suffer this spark to set Germany on fire, though it had been kindled at the prince elector's own doors, to affront and provoke him; for he, by an incredible celerity, did cause the said fortress to be demolished, before the enemy could fit and furnish it for his intended use, which made him sit still and study for a new occasion: and, that it might not be long wanting, the liberties and privileges of the Protestants in Bohemia, contrary to their new king Ferdinand's oath, were temerated; and, by that means, in the year 1619, the greater part of the estates of that kingdom were necessitated, after mature deliberation, to abdicate him, and to elect Frederick, prince elector Palatine, for their king.—And thus are we arrived at that sad period of time, upon which so many fatalities have ensued; in which we may see evidently, that the prince elector Palatine was not, wilfully, guilty of any part of that ocean of blood that hath been since spilt in Germany, as the Pontifician side pretend he was. The scene was, long before, prepared by the enemies of the truth; and the kingdom of Bohemia was filled with arms and hostilities, divers months before his accepting of that crown; when himself laboured, by an earnest mediation, to have given a peaceable issue to those bloody beginnings. It was the honour and greatness of that matchless princess that he gained here, and the considerable succours they expected from hence, that especially drew the Bohemians to that choice. It therefore concerns us now at length to provide, that the prince elector himself, and the other princely branches of that great family, (being the second without question, if not the first and most antient of the empire) extracted, by their last match, from the royal line of Great Britain,

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should not, under colour of their father's accepting that crown, to which they now pretend no title, be for ever despoiled of their antient inheritance and electoral dignity; to which calamity they had never been reduced, had not the French king, at that time, forgotten the old maxim of his predecessors, which was, 'To keep even the balance of Germany;' to which also did most fatally concur the duke of Bavaria's ambition, betraying his own blood, and the duke of Saxony's taking arms against the evangelical party. By this means, and the advancing of Spinola with the Spanish army out of the Netherlands, not only the kingdom of Bohemia was lost in a few months; but the Palatinate also, excepting some few places of strength, invested by the enemy; and that poor people left to slaughter, calamity, and desolation. The correspondence of some ill ministers of this state abroad with those of foreign states here, assisted by some fatal instruments at home, furthered all this mischief; at that instant putting this state in hope of a Match, when supplies should rather have been sent from hence, to have preserved, at least, the electoral territories from an invading power. It is true that the Spanish Match had been, generally, treated of some 5 or 6 years before this fatal fire kindled in Germany, being first set on foot by the duke of Lerma, under Philip of Austria, late king of Spain; but now it was effectually advanced, and fortified with a conjoined Treaty of accommodating the Palatine's cause, without effusion of blood. This and much more appears in the original Journal Books of the two houses of parliament, anno 21 Jacobi Regis, which I have so far perused, as so short a time would give leave: and though these matters are there set down at large, especially in the records out of the house of peers; yet I have abstracted them into so narrow a compass, as may well sort with the little spare time of this house to hear it. The relation was first made at Whitehall during that parliament, in the presence of the greater part of both the said houses, Feb. 24: * It was afterwards reported upon the 27th in the house of lords, by the then lord keeper; and, in the house of commons, by sir Rd. Weston, at that time chancellor of the exchequer. It is there at large set forth, That his majesty's royal father, having had several fair promises from the emperor Ferdinand II. and the king of Spain, of a peaceable restitution of the Palatinate, caused not only such considerable forces, as were then remaining in Germany under the prince Elector's ensigns, to disband; but procured also some places of strength in the Palatinate itself, to be surrendered and consigned over to the late Infanta of Spain. But in 1622, our late royal sovereign king James, upon his ambassador's return from Brussels, having discovered the emperor's intentions to be full of insincerity and deceit, wrote his princely letters, bearing date at Hampton-Court, Oct. 3, 1622, to the (then and still) earl of Bristol; his majesty's extraordinary ambassador in Spain, to let him know, That he now perceived little sincerity in all the Spanish king's promises for the peaceable restitution of the Palatinate, by whose only means he had suffered the same to be lost to the Emperor; and that therefore he should presently press that king, either to give a full and direct answer, under his hand and seal, for the restitution thereof, or else to join his arms with his majesty against the Emperor, for the recovery of the same. But this matter, as it further appears by the original Journal Books of the house of lords, being either not thoroughly pressed, or notably dissembled; so many delays ensued one upon the neck of another, as, in the issue, it drew his royal majesty, then prince of Wales, to undertake that dangerous and remote Journey into that nation, which hath been the long and hereditary enemy of England. This Journey was chiefly undertaken by so great a prince to give an end, one way or other, to that unfortunate Treaty; and his stay in Spain did wholly proceed from his earnest desire to have effected a peaceable restitution of the Palatinate; and therefore I doubt not but he shall now live to verify that excellent and heroic expression, which he made to the Conde d'Olivarez, a little before his coming out of that kingdom, 'Look for neither marriage nor friendship, without the Restitution of the Palatinate.' And I assure myself, that the force and power of Great Britain, which was lately, by subtle and wicked instruments, divided against itself, being now united in one again, will be able to effect such great and considerable actions, as shall render his majesty's name and reign glorious to all posterity. The two houses of parliament, at that time, received the before-mentioned declaration with so much resentment, that, having rendered glory to God that had so seasonably discovered the Spanish frauds, and, next, their humble acknowledgments to their then gracious sovereign, for requiring their counsels in a business of so great importance; they did unanimously advise him to break off the said two Treaties, touching the Marriage and Restitution of the Palatinate; engaging no less than their persons and purses for the Recovery of the then prince elector's antient and heriditary dominions *.—It appears also in the original Journal-Book of this house, Anno 1. Caroli, that this great business was again taken into consideration, but was finally intombed with other matters of great moment, by the fatal and abortive dissolution of that parliament. If therefore this great council of the kingdom did, in those two former parliaments, account the restitution of this illustrious and princely family to be of such great necessity for the preserving of true religion abroad, and securing ourselves at home, as to engage themselves for an assistance therein;

* See vol. 1 p. 1382.

* See the Address of both Houses, on this subject, in vol. 1. p. 1388.

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certainly we may, upon much better grounds, undertake the same now, when I assure myself we may go as far with 1000*l.* for the present, as we could have done with 10,000 at that time; for let us but take a short view of the estate of Christendom, what it was then, and what it is now, and we shall easily perceive a great alteration in the balance thereof.—In France, where M. de Luynes did then rule all, being himself acted by the Pope's legate, that king, contrary to the examples of Francis I. Henry II. and of Henry the Great, his own father, and contrary to the maxims and interests of that state, and his own safety, advanced the formidable power and spreading greatness of the house of Austria; but now the French king's eyes have been so opened, that, shaking off that former unhappy slumber he was in, he hath, by his arms and power, to his immortal honour and glory, for divers years last past, endeavoured to restore again that liberty to the German empire, in the ruin of which himself had so fatally before concurred.—The Swedes were then involved in several wars, or jealousies, with the Poles, and inforced to keep at home to defend their own; but now have a strong army, and possess divers places of important consequence within the very bowels of the empire. The episcopal electors, with the other Pontifican princes and prelates, the sworn enemies of the Protestant religion, were then rich and potent; but, since, most of their countries and territories have tasted of the same calamities of war, which they had formerly brought upon their neighbours; so that now they are, most of them, scarce able to defend their own, much less to offend any other. The Pseudo-Lutheran elector of Saxony, (that is actually guilty, more than any other single person living, of all those calamities and slaughters, which have for so many years wasted Germany; and was then so liberal of his treasure, and so forward with his arms to facilitate the emperor's designs, to the almost utter subversion of the true religion in Germany) is now, after the reiterated temeration of his faith and promises, the fatal survivor of the several devastations of his own country and dominions; so that all those vast difficulties and great dangers, which might well have retarded the forwardness of those two former parliaments, the first being held in the 21st year of his majesty's royal father, and the latter in his own first year, being now removed, we have greater encouragements than ever, to concur with our sacred sovereign, in asserting this his most just and princely Manifesto.—For my own part, I expect no good issue of the present Treaty at Ratisbon: I know the duke of Bavaria's ambition too well, ever to imagine he will part with those large revenues, and much less with the Septem-viral dignity and suffrage he hath obtained by the prince elector's calamity and misfortune, unless it be extorted from him by force of arms.—My humble advice therefore is, That we send up to the lords to desire a speedy conference with them; in which we may acquaint their lordships how far we have proceeded in our approbation of his majesty's most royal Manifesto, and to move them to concur with us therein.'

After long debate the commons came to the Resolution, "That this house doth approve of his majesty's pious intention, in behalf of his royal sister the queen of Bohemia, and his nephew the prince elector Palatine, and the rest of the princes of that family; and of the publishing his Manifesto to that purpose: and this house will be ready to give his majesty such advice and assistance therein by parliament, as shall stand with his honour, and the interest and affection of this kingdom, if the present treaty shall not succeed."

Farther Resolutions as to Breaches of Privilege, &c.] July 8. The commons resumed the debate about Mr. Hollis, and others, imprisoned and fined, 4to Caroli, and came to the following Resolutions: 1. That sir George Crooke, one of the justices of the King's-bench, was not guilty of the delay in granting the Habeas Corpus to Mr. Hollis, &c. 2. That the continuance of Mr. Hollis, &c. 5to Caroli, in prison, by the then judges of the King's-bench, for not putting in sureties for their good behaviour, was without just or legal cause. 3. That the exhibiting the Information against Mr. Hollis, &c. in the King's-bench, being members of parliament, and for matters done in parliament, was a breach of privilege of parliament. 4. That the over-ruling of the pleas, pleaded by Mr. Hollis, &c. upon that information, to the jurisdiction of the court, was against the law and privilege of parliament.—5. That the judgment given upon *nihil dicit*, against Mr. Hollis, &c. and the fines thereupon imposed, and their several imprisonments thereupon, was against the law and the privileges of parliament. 6. That the proceedings against Mr. Hollis, &c. by committing them, and prosecuting them in the Star-chamber and King's-bench, is a grievance. 7. That Mr. Hollis, Mr. Strode, Mr. Valentine, Mr. Long, and the heirs and executors of sir John Elliot, sir Miles Hobart, and sir Peter Hayman, respectively, ought to have reparation for their respective damages and sufferings, against the lords and others of the council, by whose warrants they were apprehended and committed; against the council that put their hands to the information in the Star-chamber; and against the judges of the King's-bench. 8. That Mr. Laurence Whittaker, being a member of the parliament, 4to Caroli, and entering into the chamber of sir John Elliot, being likewise a member of that parliament, searching of his trunk and papers, and sealing of them, is guilty of a breach of privilege of parliament, this being done before the dissolution of the parliament. 9. That Mr. L. Whittaker, being guilty of the breach of privilege of parliament, as aforesaid, shall be sent forthwith to the Tower, there to remain a prisoner during the pleasure of this house." Whereupon Mr. Whittaker being called down, and kneeling at the bar,

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Mr. Speaker pronounced this sentence against him. Mr. Whittaker then desired permission of the house to speak for himself; which being granted, he did not deny the matter of fact, but did endeavour to attenuate it by the confusion of the times, at that time; the length of time since the crime was committed, being 13 years; the command that lay upon him, being commanded by the king and 23 privy counsellors. But all this availed him nothing, for he was immediately sent to the Tower.

The Commons resolve to vest the Lands, &c. of Archbishops, &c. in Feoffees.] July 9. This day Mr. Hyde made a report from the grand committee, to whom the bill concerning Episcopacy was referred; when the following Resolutions were agreed to by the house: 1. "That all the lands, possessions, and rights of all deans, and deans and chapters, shall, by this bill, be committed to the hands of feoffees, to be nominated in the bill. 2. That all the lands and possessions of all the archbishopricks and bishopricks of England and Wales, (except the impropriations and advowsons) shall, by this act, be given to the king. 3. That all the impropriations and advowsons, belonging to the aforesaid bishopricks, shall be committed into the hands of feoffees, in the same manner as the lands of deans and chapters are appointed to be."

The next day the debate was resumed; and on the report, from the same chairman, it was resolved, "That a competent maintenance shall be allotted out of the lands and possessions of the cathedral churches, for the support of a fit number of preaching ministers, for the service of every such church; and a proportionable allowance for the reparation of the said churches. Also, that such ecclesiastical power, as shall be exercised for the government of the church, shall be transferred, by this act, into the hands of commissioners to be named in the act."

Mr. Hollis's Speech, at a Conference on behalf of the Palatine Family.] July 10. The commons had desired a conference, with a committee of the lords, concerning the Manifesto from the king, relating to the Palatine family; the report of which was made, in the upper house, by the lord privy seal, this day; who told them, that Mr. Hollis, from the commons, in an elegant expression and true resentment of the case of a distressed prince, had acquainted them with the particulars thereof:

Mr. *Hollis* spoke as follows† 'My lords; The knights, citizens, and burgesses of the house of commons, have commanded me to let your lordships know, that they have taken into their serious consideration, his majesty's proposal unto them of the Manifesto; in which he is graciously pleased to declare his pious intentions concerning his royal sister, the prince Palatine her son, and the rest of the Electoral family. They do, with all humbleness, acknowledge his majesty's favour, in communicating unto them any part of his royal thoughts; and asking their advice and counsel, in a business that doth so nearly concern him, as needs must the happiness, nay the subsistence, of these distressed princes of so glorious an extraction; their veins being enriched with the same blood of royal ancestors, which is derived, with glory, into his sacred person. And, in that relation, the house of commons look upon them with an eye of tenderness; wishing that every drop of that princely blood may ever be illustrated with honour and happiness; that his majesty may be crowned with this blessing, to see nothing but glory in himself, and in all that bow unto him.—To hear then, that these princes, so nearly allied unto the king, should suffer that which is so unworthy of them; instead of honour, of greatness, to find oppression; instead of a fortune answerable to their birth and relation, to have their antient patrimony torn from them, and detained by a hand of violence; is a thing which makes our ears to tingle, and our hearts to rise within us.—My lords, the loyal subject of England is so well tuned in a sweet agreeing harmony to the person of his prince, that he is affected with the least touch upon any part of the princely string, and answers it instantly with a sound proportionable; if it be good and pleasant, with joy and exultation; if harsh and displeasant, with sorrow and lamentation; a sorrow not womanish and fatuant, but accompanied with indignation, with vigorous, magnanimous resolution to be avenged upon whosoever dare give offence to our royal sovereign.—This then is enough to make us zealous for the redress of the Prince Elector's wrongs, and to desire, with impatience, to see him re-invested in his rightful possessions; were there nothing else to move us to it, but our love, our affection, and our duty to the king.—But, my lords, there is yet another motive, which hath a strong irresistible operation with us; and it is the consideration, how much this is of importance to the good of Religion, the advancement of the Protestant party, and the redeeming many souls from their Antichristian bondage. This hath a double aspect, and relates to us, not only as we are fellow-members with them of the true church; which obliges us to a care and defence of them, and gives us an assurance of a reward in heaven: but doth more particularly concern us, in point of policy and reason of state, by supporting our allies, to advance this kingdom to the highest pitch of greatness and reputation; to make us formidable abroad to the enemies of our church and state; and so enjoy peace, safety, and tranquillity at home. For, my lords, the Protestant religion and this kingdom are like Hippocrates's twins, that must both live and die together. It is madness to think this state can subsist, if religion be subverted; and as great madness to think our religion can continue here, if we suffer it to be

† From the original edition, printed by E. G. for L. Blaikelocke, next Temple-bar, in Fleet-street, 1641.

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destroyed and eradicated out of our neighbour countries; which can no more be, (that is, our religion and this kingdom be preserved) when our neighbours of the same religion and belief with us be consumed, than a fort can hold out, when all the out-works are taken; or the heart preserved, when a gangrene hath seized on the outward parts of the body.—My lords, as the true religion is, in fact, the heart of England, which gives it life, and makes it flourish with strength and power; so is England, in politic respects, the heart of the Protestant religion in all the other parts of Christendom; and, upon occasion, must send out supply into all the neighbouring countries professing the same religion with it; which (to be themselves in safety) must be under the protection of this fort, under contribution to this garrison. And, on the other side, if these countries be, one after another, invaded and possessed by the enemies of our religion, that great tie of religion between us and those bonds, which only can unite and strengthen our mutual affections and relations, will be dissolved; and if they get one part, their appetite will increase soon to swallow up another; as, first the Palatinate; then the other parts of Germany; afterwards the Low Countries; and then let us think in what condition England will stand. It will be left as a cottage in a vineyard; as a lodge in a garden of cucumbers; as a besieged city, when all the defences are gone: it will soon fall to be a prey to the enemy.—My lords, this consideration likewise works with the commons of England; and as the wise man is to have his eyes in his head, and look before him; so they do look before them, and had rather see this evil met half-way, than stay till it comes to them; rather see the eating gangrene of the Austrian ambition in Germany, than tarry till it seizes upon the vital parts of this Island, when the death of religion must inevitably follow. This business took up a serious debate; and, after much time and many arguments spent upon the subject, the knights, citizens, and burgesses assembled in parliament, came to a resolution.' (Here the Resolution of the 7th of July was read, and then Mr. Hollis proceeded thus:) This Resolution, my lords, they have commanded me to represent unto your lordships, and desire you will join with them in a tender of the like advice unto his maj. and approbation of his royal intendments: and likewise, that his maj. may be moved, in the name of both houses, to recommend this business unto his parliament of Scotland, to have the consent and furtherance of that kingdom; that, as we are brethren in mutual affection, in an equal tie of duty and allegiance unto the king our sovereign; so we may be brethren also in the same tender care, and loving zeal for the good and support of his majesty's kindred, their restitution to their antient inheritance, and the safety of the Reformed Churches.'

July 11. The lords, by a general vote of their house, concurred with the commons; and likewise ordered a committtee to attend the king, to know when he would be waited on, by both houses, on this occasion.

Report of a Conference concerning the Ten Propositions.] July 12. Several debates had happened in the house of lords, concerning the Ten Propositions sent up some time ago, from the commons; and all of them had been agreed to, except that in which the queen, her domestics and chaplains were concerned. This day, the earl of Bristol reported the effect of a conference with the commons on this subject; in which it was argued by them, first, That the college of Capuchins, at Denmark-House, should be sent out of the kingdom, because they are conceived to be busy men in giving intelligence to foreign states: and the house of commons are induced to believe this, because they understand that the letters of the Capuchins, which were imported and exported in one week, came to 3*l.* 10*s.* the carriage. Next, they conceive, that there are some things contained in the Articles of Marriage with France, contrary to law. Concerning the education of the prince, they said they would consult further about it. As to licences granted to Recusants, they desire his majesty may be moved that none may be granted hereafter. Concerning the removal of Popish Recusant ladies from court, they say they mentioned no particulars, but spoke in general. Touching that which concerns the queen, they conceive they have had no full answer yet. As to an explanation of who are active Papists, they mean those Recusants who are rich and have most power in the counties where they live, as well peers as others; whom they desire may be disarmed according to law. Touching the Pope's Nuncio, the house of commons are preparing a bill against him. As to what concerns lord lietenants and deputy lieutenants, considering the state of this kingdom, as it now stands, the commons desire they may be such persons as both houses approve of; and, that they may be the more enabled to act for the defence of this kingdom, there will be a course taken for the supplying them with monies out of the subsidies. And the commons desire that the king may be moved to let them have such quantities of powder out of his stores as may be spared, and they will pay after the rate of 10d a pound for it, as soon as they can get money. And further, to move his majesty, That the arms, which have been taken out of the several counties, may be restored to them; and if the king can spare any arms, out of his stores, they will buy them to furnish these southern parts.'

The Bill for Tonnage, &c. passed.] This day Mr. Hampden carried up to the lords another bill for granting to his majesty a subsidy of Tonnage and Poundage, and other sums of money payable upon merchandizes imported and exported; which was read 3 times in that day, and, being put to the question, was nem. con. passed into a law.

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Address of both Houses on the Manifesto relating to the Palatinate.] A committee of lords having waited on the king to know his pleasure, when both houses should attend him with their address on the Manifesto, the king appointed 5 that afternoon for this purpose: accordingly, at that hour, both houses went up to the Banqueting-Room Whitehall; when the Speaker of the house of lords delivered himself to the king in these words:—"Your majesty, in your royal person, was pleased to recommend the manifesto, touching the Palatinate, to be read in full parliament, and to be advised of by both houses. Both houses have since seriously considered of it, and have commanded me to present their humble advice unto your sacred majesty, which is expressed in the Declaration, that hath passed the votes of both the houses, and which I am commanded to read unto your majesty." Then he read the Resolution of the house of commons on the 7th of July, and the lords concurrence with it on the 10th, after which he said, "I am likewise commanded to present the humble desires of both houses of parliament, that your majesty would be pleased to recommend this Manifesto, unto the parliament of Scotland, to have the concurrence of that kingdom."

To which the king returned the following Answer: "We take very thankfully the concurrent advices of both the houses of parliament, in so great and pious a work, declared in these Votes and Resolutions, which you have read unto us. We will also take care to recommend this Manifesto, unto the parliament of Scotland, to have the concurrence of that kingdom, which we doubt not but they will perform."

The Speaker was also ordered to press the king for an Answer to the Third of the Ten Propositions, concerning the Removal of Counsellors, to which he said, "My answer is, That I know of none; the which, methinks, should both satisfy and be believed; I having granted, hitherto, all that hath been demanded by parliament: nor do I expect that any should be so unadvised, as, by slander, or any other ways, to deter any that I trust in my public affairs, from giving me free counsel; especially since freedom of speech is always demanded, never refused, to parliaments."

Both houses being returned, the lords sent a message to the commons, to desire a conference on his majesty's Answer to the Third of the Ten Propositions, as lately delivered.

The Royal Assent given to the Tonnage Bill.] About the same time another message came up to the lords by sir Henry Vane, jun. to desire that the bill for Tonnage and Poundage might be delivered unto them, to be brought up and presented by their Speaker, in regard it was a free gift of the commons of England; with the commission under the great seal annexed. But the lords taking this message into consideration, and perusing the commission, found, by the tenor of it, that the said bill could not pass the royal assent by virtue of this commission, if they were separated. Therefore, to remove all ambiguities, it was resolved to send some lords to desire his majesty would be pleased to come in person, presently, and give the royal assent to the bill. Upon this information the king came down immediately to the house, and having sent for the commons, the bill was delivered to their Speaker, who presented it to his majesty, and the royal assent was given to it. At the same time the king signified, "That lest, in his Answer, this day, to both houses concerning the Third Head, there should be any mistake upon the word 'Slander;' his majesty declared, that he did not mean it of either house of parliament, or any member thereof."

Resolutions of the Lords against the Court of the North.] July 13. The lords took into consideration the court of the lord president at York, and to give Judgment therein; for a free debate whereof the house was put into a committee, and the votes of the house of commons about it were read. After debate, the lords came to the following Resolutions. 1. "That the commission and instructions, whereby the president and council of the North exercise a jurisdiction, are illegal, both in creation and execution. 2. That the commission and jurisdiction is unprofitable to his majesty. 3. That the commission and jurisdiction is inconvenient and grievous to his majesty's subjects of those parts. 4. That the house doth join with the house of commons, in beseeching his majesty that the present commission and instructions may be revoked, and no more such granted for the future. Lastly, It was declared, That seeing the commission and instructions of the Court of York are illegal in the creation and execution, that the former judges in the said court, who have given judgment, and proceeded as they thought in their consciences, upon true and legal grounds, shall not be liable to punishment for the time past, unless it be for corruption; and also that all judgments and decrees in that court shall not be liable to question, but in case of injustice; and that none in that case shall be barred of their appeal. And if it appear that there is a necessity, for the ease of that country, to have a court, this house will advise with the house of commons how one may be established, by law, for that purpose."—A committee of lords were appointed to draw up some heads for a conference with the commons on the aforesaid particulars; that so the persons that were judges, and the acts of that Court, might have a saving for them.

The officers, who had been employed in the court of Star-Chamber, having petitioned the lords for some relief, the house did conceive no fitter relief for these poor officers, the king's servants, than to remit them to the king's mercy, That he would be graciously pleased to allow somewhat proportionable to their losses, out of such fines as may accrue to him in the high court of parliament.

The Commons order the lord Digby's Speech to be burnt.] The commons had some time be-

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fore, appointed a committee to consider about the printing and publishing a Speech made by the lord Digby, on the bill of attainder against the earl of Strafford (p. 749), and this day a report of it being made by sir John Evelyn, it was resolved "That sir Lewis Dives and John Moore as also Thomas Parslow, printer of the said speech, are delinquents, in printing and publishing thereof; and that this book, thus printed, deserves the brand of this house." After which they made the following orders. "Whereas, on the 21st of April last past, there was a speech spoken, in the house of commons, at the passing the bill of attainder against Thomas earl of Strafford, by the lord Digby, then a member of the said house; the which speech contained in it matters untrue and scandalous, as they have reference to the proceedings of the committees of both houses, and to the evidence of the witnesses produced in that cause: and whereas the said speech was published by the lord Digby, after the bill of attainder was passed by vote in this house, and after great offence had been taken to the speech, and the same questioned in the house; to the scandal of the proceedings of this house, and to those of his majesty and both houses of parliament: it was therefore ordered, that the said books should be publickly burnt, part of them in the New Palace-Yard, Westminster, others in Cheapside, London, and the rest in Smithfield, by the hands of the common hangman. And the sheriffs of London and Middlesex were to take care to see this order executed."

Then it was farther resolved, "That this house shall move the lords to join in a petition to his majesty, that he will be pleased to forbear to confer any honour or employment upon the person of the lord Digby, who has deserved so ill of the parliament *."

Petition to the King against the Queen's going abroad.] July 14. A message was brought from the commons to the lords to desire a conference, presently, by committees of both houses, concerning the Queen's intended Journey to the Spa in Germany. This conference being held, it produced a Petition from both houses, which was presented to the king the day following, and was in these words.

"Your majesty's most loyal subjects, the lords and commons, taking notice of an intention of the queen's majesty to pass beyond the sea, whereby the kingdom will be deprived of the comfort of her majesty's presence, have thought good to express their humble duties and affection for your majesty, and to the royal person of the queen, in some considerations which they do now present unto you, as they conceive very important to the good of this kingdom, and the safety and contentment of her majesty; whose honour and happiness shall always have a chief place in their estimation and desires: which considerations are these following; 1. There is great cause to doubt lest the papists have some design upon her majesty's journey, because the house hath been informed that divers of them have sold off their lands to a good value, and used other means to get ready money. 2. It is observed that some of them have been very diligent in gathering great quantities of gold. 3. It is informed that more than an ordinary number of Papists are gone beyond sea already, and those of the better sort. 4. The great number of English fugitives now beyond the seas, who, by their late designs and practices, are known to be full of malice to the state, and will, no doubt, seek all opportunities of access to her majesty; and as much as they can, labour to infuse into her such evil counsels as may trouble the peace of the kingdom; whereof, at this time, there is more danger, because the affairs of the kingdom are not yet fully settled; and, upon disbanding the army, all parts are like to abound with soldiers, and such others as will be apt to be provoked to tumults, and seditions, especially in the time of the king's absence in Scotland. 5. That the house of com-

* In lord Digby's Apology (printed in January, 1641, by Thomas Walkley) he gives the following account of the printing and publishing this speech: "I did not find only that it was unfaithfully reported, and uncharitably interpreted, but was informed, that copies went abroad of it so falsly and maliciously collected, as made the whole speech a justification of my lord of Strafford's innocence; and sir Lewis Dives having heard of such a copy in the house of a citizen of good quality, where he heard me mentioned as a person fit to have his name fixed upon posts, that I might be torn in pieces by the people; upon that reason earnestly desired me to give him a true copy of what I had said in that argument, which I did; and he forthwith gave direction for the printing it, without any privity of mine; yet, if I had consented to it, and directed it, I profess I should little have imagined, that (at a time when there was such an universal licence taken to print every thing, of how great irreverence soever, either to church or state, with (impunity) a speech made in the house of commons, a speech so narrowly and severely sifted and examined there, and yet let pass without the least censure, either on the speech itself or the author: that the printing, I say, of such a speech should rise to so high a nature, as to make me for ever incapable of any honour or employment in the common-wealth, I profess could hardly have fallen within my reason or fears to suspect: and yet 3 months after the fact committed; after the printing of an hundred speeches more by other men; after my having several times sued and pressed for a hearing, whilst I was of the house of commons; after, by his majesty's favour, I had sat 6 or 7 weeks a member of the house of peers; after all this no less a judgment, as far as the vote of the house of commons could contribute to it, passed upon me, unheard, over and above the shame of having the speech itself burnt by the hand of the hangman."

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mons have received information of great quantities of treasure, in jewels, plate, and ready money, packed up, to be conveyed away with the queen; not only in such a proportion as the present occasions, with due respects to her majesty's honour, may seem to require, but a far greater quantity; and that divers papists and others, under pretence of her majesty's goods, are like to convey very great sums of money, and other treasure, beyond the seas, which will not only impoverish the state, but may be employed to the fomenting some mischievous attempts, to the trouble of the public peace. 6. That, as it will be a great dishonour to the state, if her majesty should not be attended and furnished suitably to her quality; so it will be a very heavy burden, in this time of great necessity, and occasions of other public charges, if she shall be provided in so royal a manner as shall be fit for her majesty, and the honour of the king and kingdom. 7. That because we understand, by sir Theodore Mayerne, that the chief cause of her majesty's sickness and distempers proceed from some discontent of her mind, the house of commons have thought good to declare, That if any thing within the power of parliament may give her majesty contentment, they are so tender of her health, both in due respect to his most excellent majesty and herself, that they will be ready to further her satisfaction in all things, so far as may stand with that public ..... * to which they are obliged. 8. That the house of commons conceive it will be some dishonour to this nation, if her majesty should, at this unseasonable time, go out of the kingdom, upon any grief or discontent received here; and therefore they shall labour, by all good means, to take away and prevent all just occasion of her majesty's trouble, in such manner as may further her content, and therein her health, which will be a very great comfort and joy, both to ourselves and the rest of his majesty's loving subjects. All which they humbly commend to your majesty's princely wisdom; beseeching your majesty, that, by your allowance they may represent their humble desires at such time, and with such numbers of both houses, as her majesty shall please to appoint."

The Queen's Answer.] July 16. Six lords and 12 commoners waited on the Queen, by her appointment; when the lord keeper delivered the desire of both houses to her majesty, in much the same words as are contained in the latter part of their address to the king; to which the queen returned the following Answer: "I give many thanks to both houses of parliament, for their great care of my health, and their affection to me, hoping I shall see the effect of it. Truly, nothing but my health could have made me to resolve of this journey; and, if I thought I could serve the king and this kingdom with the hazard of my life, I would do it. And I hope you will believe that I have so much interest in the good of this kingdom, that I shall never wish any thing to the prejudice of it. You will pardon the imperfectness of my English; I had rather spoken in any other language, but I thought this would be most acceptable."

Sir T. Widdrington's Speech, on delivering the Articles against the Bp. of Ely.] July 20. The commons sent up their Charge against Matthew Wren, bishop of Ely, by sir Thomas Widdrington, member for Berwick; who, upon presenting the same, made the following speech *: 'My Lords; I am commanded by the knights, citizens, and burgesses now assembled for the commons in parliament, to deliver to your lordships these Articles against Matthew Wren, D.D. late bishop of Norwich, and now bishop of Ely; may it please your lordships to hear them read. [Here the Articles, given before at p. 861, were read.] My lords, these articles are dipped in those colours in which this bishop rendered himself to the diocese of Norwich: they need no gloss nor varnish. In them you may behold the spirit and disposition of this bishop; hear the groans and cries of the people; see a shepherd scattering (I had almost said devouring) his own flock. He that was desired to paint Hercules, thought he had done enough, when he had made a resemblance of the lion's skin, which he was wont to carry about him as a trophy of his honour. I will not say, in these, you will find a resemblance of the lion's skin. I am sure you will find the resemblance of the skins, (that is to say, the tattered and ruined fortunes) of poor innocent lambs, who have extremely suffered by the violence of this bishop. In 1635, this man was created bishop of Norwich. He is no sooner there, but he marcheth furiously. In the creation of the world, light was one of the first productions. The first visible action of this bishop, after his creation into this see, was to put out many burning and shining lights; to suspend divers able, learned, and conscientious ministers. He, that should have been the golden snuffer of these lights, became the extinguisher; and, when these are taken away, where shall poor men light their candles?—My lords, this was not all: he puts out lights, and sets up firebrands in their places; suspends painful ministers, and sets up idle, factious and superstitious priests (to use their own favourite word) in their places; yet it is the fortune of these men, at this time, like rivers in the ocean, to be buried in the extreme activity of their diocesan. He made a scourge, not of small cords, but of new injunctions and numerous articles, tied about with a strong twist of a most dangerous oath; and with this he whips, not buyers and sellers, but the faithful dispensers of the word, out of their churches, out of their estates, out of their dear country. This Noah (if I may so call him without offence) as soon as he entered into the ark of this diocese,

* Hiatus in Orig.

* From the original edition, printed for L. Blaikelocke, 1641.

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he sends, nay, forces doves to fly out of this ark; and when they return unto him with olive branches in their mouths of peaceable and humble submission, he will not receive them into this ark again; unless, like ravens, they would feed upon the carrion of his new inventions, they must not have any footing there. He stands as a flaming sword, to keep such out of his diocese.—My lords, unless he had done this, he could never have hoped to have brought that great work, he undoubtedly aimed at, to any perfection. Whilst the Palladium of Troy stood, that city was impregnable. The Greeks had no sooner stolen that away, but they instantly won the city: so then he first put out the candles, then was the opportunity to shuffle in his works of darkness: he first beats off the watchmen and seers; then was likely to follow that which the impiety of some was pleased to stile, 'The piety of the times.' This being done, he then begins to dress out God's worship, according to his own fancy. This he expresseth in injunctions and directions, the Minervas of his own brain. We find them stiled, 'Regales injunctiones domini episcopi;' a stile too sacred to baptize his brats withall: I shall be bold to call them 'Tyrannicas injunctiones domini episcopi.'—Stories afford not a more barbarous cruelty, than to join a dead and a living body together; the one is miserably killed with the stench of the other. This bishop, who, like Aaron, should have stood between the living and dead, hath joined to lively ordinances many dead and venomous ceremonies; which have no other life than what they received from the breath of his injunctions; and these are pressed upon the consciences; even these must be observed, as moral laws. An arbitrary government in the church is more dangerous, more grievous than that in the state: this is exercised upon men's consciences, the most tender parts; and is the very pinnacle of tyranny, and of all others the most intolerable. That blow, which will hardly be felt by the arm, will put out the eye. My lords, in the time of Richard I. one of this man's predecessors, a valiant bishop, went into the Holy War: This bishop hath raised a war at home in his own diocese; a war not against Saracens, Barbarians, Turks, or Infidels, but against good and well disposed people. I know not what stile to give this war: without doubt, my lords, this was no Holy War. The weapons used in this war were 28 Injunctions, 139 Articles, containing 879 Questions. The soldiers were chancellors, commissaries, officials, commissioners, rural deans, &c. Himself commanded in chief. The ways of assault and killing were by ex-communications, suspensions, deprivations.—I stop here. 'Mille modis morimur mortales.' The magazine, wherein all these were originally hatched and lodged, was the superstitious and malicious breast of this bishop. His diocese was the stage where the direful tragedies of this war were acted, by the space of two years and upwards. Thus did he trouble Israel, in the time of peace; nay, by these, he put some of the chariots and horsemen of Israel to flight; out of these he raiseth a farm of 500*l.* for his primary visitation. If it be considered, cum pertinentiis, it was not dear, yet well improved; for it was but 40*l.* in the time of some of his predecessors. Will it please your lordships, with patience, to cast your eyes upon the model of this bishop's zeal, piety, and religion: let his affection to Prayer and Preaching speak for all the rest. First, for Prayer. It was his hap to find a prayer, which is no prayer; pretended to be prescribed by a canon, which is no canon; I mean the 55th canon, set forth in 1603; and no other prayer must be used in his diocese before sermon.—That monster of conceived prayer (pardon the expression, it is not mine own) seemed as bad to him as a spell or charm. It must not be used upon any occasion. Without doubt he would never have been so strait laced and severe in this particular, if he had but dreamed of that strait which a minister, a friend of his, was put unto by this means: the story is short; A butcher was gored in the belly by an ox; the wound was cured; the party desired publick thanksgiving in the congregation; the minister, finding no form for that purpose, read the collect for churching of women.—Next for Preaching. That he is most able in this kind is agreed on by all: but that he ever preached himself in his diocese, saving once, I never heard affirmed by any. His next care was that others should not preach too often; if they did, they must be put into his black bill. He changed that golden sentence of 'Væ mihi si non prædicavero,' into 'Væ aliis si prædicaverint.' He was so far from the practice of St. Paul, the great preacher of the Gentiles, who, we read, preached till midnight, that there must be no sermons in the afternoon; but there may be, nay there must be, sports and pastimes then. And, as if he had stood in fear of the inarticulate language of bells which might foretell a sermon, he cannot endure the noise of a sermon in the toll of a bell. In a word: he adorned churches, at the charge of others; and spoiled pulpits, which ought to have been the greatest part of his own charge.—My lords, you have now presented to your lordships a brother, nay, one whose place engaged him to be a father of the clergy; yet one who, like Joseph's brethren, hath taken the coats from Joseph; nay they were forced to fly from him as Joseph from his mistress, or else they must taste of his forbidden waters; but, in their going away, he rent their skirts, nay their whole garments and livelihood from them. He hath taken the lock from many Sampsons, and done what he could to put out their eyes, and to make them grind in the mill of his pernicious and dangerous innovations. He should, like Moses, have led his flock. Moses led the children of Israel through the Red Sea; this man drives part of his flock over the sea, but went not himself. Like Nimrod, he hath invaded the laws and liberties of the subject: he

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hath been as great a robber as ever was presented to your lordships: he hath robbed the king of his subjects, the greatest glory of kings; a kingdom of trade, of its tradesmen, the supporters of it. He that deprives the king of one subject, you know his punishment; and what shall be the punishment of him who hath robbed the king of so many subjects?—In the 16th of Hen. 3. we find a tenant in dower punished in action of waste, because she had destroyed two rich villains, and made them beggars. I appeal to your lordships, what is his offence who hath committed so much wilful waste and spoil, beggared hundreds, not villains, but freeborn subjects. He robbed souls of that sweet Manna, which is Pabulum Animarum, the Word of God.—My lords, I have not yet recounted all his robberies: he hath robbed God of part of his day, making part of that, a day of sports: he hath robbed the subjects of their undubitable birthright, the laws of the kingdom. The citizens of Norwich must pay tythes for the rents of houses; there is no law in England, nor custom in Norwich for it: nay, and that they may be sure to be robbed of justice too, the suit for these tythes must be in his own consistory, from whence there must be no appeal, no prohibition. The true patrons of churches; they are robbed of their presentations; others, who had none or small pretence of right, are admitted upon this unhallowed maxim, That if he should institute those who had right, the pretender was without remedy. By this he inverted a fundamental law of this nation, to invest remediless rights in unjust possessors.—My lords, I cannot tell you all, but you can measure a lion by the paw. I am commanded to lay this great malefactor at your doors; one who hath been a great oppugner of the life and liberty of religion; and who set a brand of infamy (to use his own words) upon Ipswich education. In sum: one who is a compleat mirror of innovation, superstition, and oppression. He is now in the snare of those Articles, which were the works of his own hands. The rod of Moses, at a distance, was a serpent; it was a rod again when it was taken into his hand: This bishop was a serpent, a devouring serpent, in the diocese of Norwich; your lordships peradventure will, by handling of him, make him a rod again; or, if not, I doubt not but your lordships will chastise him with such rods as his crimes shall deserve. My lords, I am commanded by the house of commons to desire your lordships, that this bishop may be required to make Answers to these Articles; and that there may be such proceedings against him, as the course and justice of parliament doth admit.'

The Commons present to the Lords 5 additional Propositions.] A priest of the Venetian Ambassador's having been seized and imprisoned for being an Englishman born, it occasioned a representation to the king about it, who referred it to parliament. This brought on a conference between the two houses, at which time the commons presented to the lords five Heads to be added to the other ten formerly mentioned; with a desire that their lordships would join with them to move his majesty therein, viz. That the house of commons doth desire, 1. "That no foreign ambassador whatsoever may shelter or harbour any Popish Priests or Jesuits, that are natives of the king's dominions, under pretence of being their servants, or otherwise. 2. That care may be taken concerning several commissions granted for the levying of men in Ireland, to the number of 14,000, as they are informed, and all of them Papists, in order to be transported, as is conceived, to princes not well affected to this kingdom; and that Popish commanders may not have such power, by commissions, as is, of late, granted to them. 3. Also that no Papist, hereafter, may have the keeping of any castle, fort, chace, forest, park, or walk, within England or Wales; and that such as are in possession may be put out, according to law. 4. That the king may be moved to let the house of commons have such gunpowder out of his stores as may be spared, and they will pay after the rate of 10d a pound for it, as soon as they can get money. 5. To move the king that the arms, which have been taken from the several counties, may be restored to them; and if his majesty can spare any arms out of his sores, they will buy them."

The lords, taking these five Propositions into consideration, ordered, To join with the house of commons, humbly to move his majesty, that he would be pleased to assent to them. A committee was appointed for that purpose, and the king readily consented to them all.

The Queen's Message signifying that she has put off her Journey.] July 21. This day the Queen sent another message to both houses, concerning her majesty's going abroad, which was in these words:—"When the parliament did, the other day, express their affection to me, by taking into consideration the Journey which I had resolved on for the recovery of my health; and represented a desire of my stay; with a tender care of removing all occasions of my indisposition; I could not then give a positive answer, such as I desired, for their satisfaction, because I knew not if my health would give way to it; but, since that time, I have resolved to venture my health, and, for complying with their desires, not to go, since my presence here will be acceptable unto them, and that they conceive it will be for the good of the kingdom; for I desire nothing more than to let them see, that I shall, in all things, be ready to gratify them, and to serve the state, though, as I then said, with the hazard of my life."

In return for this message, the house of commons instantly went upon a bill they had had a long time before them, about settling the Queen's Jointure. Afterwards both houses, agreed, at a conference, to return thanks to her majesty; which was delivered by the earl of Essex, in these words:—"Both houses of

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parliament have, with very much comfort and thankfulness, received that gracious message, whereby your majesty hath been pleased to declare your resolution of staying your intended journey, at their humble desire; which they hope will be no prejudice to the recovery of your health, but rather an advancement of it, by that contentment which you will receive from the continual expression of their affection and zeal to do you service. And they have commanded me, in their names, to declare, that both their prayers and endeavours shall concur in all things tending to your majesty's welfare and prosperity; which they shall esteem as a very great blessing, both to the kingdom and to themselves."

To which Address the Queen gave the following Answer:—"I am very glad that both houses of parliament have taken my resolution of staying my journey in so good part. They may see by it, I have preferred their content before my own health. I shall still continue to do all that lies in my power to serve the king, for the good of the kingdom, and to please them, as they have already seen."

A Conference on the King's Journey to Scotland.] The time of the king's going into Scotland approaching, the house of commons were apprehensive of an adjournment. On this subject a conference was held with the lords, and this day the earl of Bristol reported it to that house, to this purpose: "That, at this time, there being so many great and important causes depending in both houses of parliament, wherein both houses were equally interested for the public good, and many emergent occasions may happen and be known to one house before the other; therefore the desire of the house of commons is, that each house may acquaint the other, by conference, before any recess be resolved on." The lords considered of this proposal, and, after some debate, it was ordered, "That this house shall not resolve of any recess, unless there be two days warning given, and then they would acquaint the house of commons with it."

Resolutions relating to the Army Plot.] July 26. The house of commons, this day, began to resume the affair of the Plot, so long neglected; and several Resolutions of this house were made against Henry Percy, esq. sir John Sucklyn, Mr. Wm. Davenant, Henry Jermyn, esq commissary Henry Wilmot, colonel Wm. Ashburnham, sir John Berkeley, colonel Hugh Pollard, and Daniel O'Neal, esq.; who were voted to be concerned in a conspiracy, to disaffect the army towards the parliament, and to work a belief in the said army, that the king and parliament would disagree; and so, under pretence of adhering to his maj. to incense the said army against the parliament, thereby the better to compass their wicked design; and further endeavoured to persuade the army, that all the French about London would assist them; and, to the great scandal of the king and his government, that the prince and the earl of Newcastle were to meet the said army at Nottingham, with 1000 horse, &c. But nothing further was done, than an order made to proceed in this another time.

The E. of Essex appointed Captain-General, South of Trent.] July 28. The lord keeper told the house of lords, "That his majesty had commanded him to acquaint them, that because he intended his Journey towards Scotland, on Monday, August 7; and in regard he hath heretofore left two commissions, the one directed to the lords of the privy council, for the ordering of the affairs of state, and the issuing out of proclamations on emergent occasions; the other authorizing a person of honour to be captain-general, for the levying of forces on this side Trent, if there should be any necessity, for the safety of the kingdom; his majesty now thinks fit to issue out the like commission for the said public services, in his absence, with some variations and omissions, according to the occasion; and hath named the earl of Essex, lord chamberlain, to be captain-general on this side Trent; but his majesty would execute nothing therein, till he had made the same known to both houses of parliament, desiring to have their concurrence and assistance in all his great affairs."—A message was immediately sent to the house of commons to desire a conference on this occasion, and the king's nomination of the earl of Essex was approved of by both houses.

A Conference relating to disbanding the Army.] July 29. The commons being willing to have both armies disbanded before the king's going into Scotland; and having at length raised money for that purpose, a conference was held; wherein it was proposed, 1. "That the 9th of August next should be the day appointed for the marching away of the Scots army. 2. That the money due for the relief of the Northern counties being ready, if they shall desire any reasonable guard for the conveyance of it, they shall be assisted in the best manner they can. 3. The house of commons desired that the English lords commissioners may move the Scots to put off the time for the payment of the 30,000*l.* part of the Brotherly Assistance Money, till the 1st of Sept. next; but, notwithstanding, they would pay it sooner if they could. 4. That after the Scots had declared their assents for disbanding, that then our army should be disbanded with all possible speed; the horse to be first disbanded." All which propositions were assented unto by the lords; who did further order, "That the lords commissioners do resume the Treaty with the Scots, and prepare it for a conclusion; and that the select committee of both houses for the ten Heads, be desired to finish and close up this Treaty."

A Conference concerning the Appointment of a Custos Regni.] July 30. Another conference was held between the two houses, on the subject of his majesty's going to Scotland. The lord privy seal made the report of it as follows: "That the commons desired their

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lordships to join with them in a petition to the king, that he would be pleased to grant a commission, to one or more person or persons, to have the power of a Custos Regni, or Locumtenens, during his absence out of the kingdom; and, amongst other things, especially to grant to such person, or persons, power to give the royal assent, in parliament, and to do such other things as the king might do in parliament, was he present: and also that his majesty may be petitioned for an act of parliament to pass to this effect, That such a commission shall not be determined until his majesty's return from Scotland to the cities of London and Westminster, or be present in full parliament."—Ordered, 'That the business of a Custos Regni shall be debated on the 2d of August; and a committee of lords were appointed to peruse some records, which Mr. Selden had quoted in the conference concerning this matter.' The same day a bill from the commons, 'For the general taking of the late Protestation,' being read in the house of lords, it was, by their lordships urged, That though they approved of the taking of it by the members of each house, yet they did not of the general taking of it throughout the kingdom. Upon this the bill was dismissed; of which the commons having notice, they presently laid it upon the Bishops and Popish lords in the house, and came immediately to these votes upon it: 1. "That this house doth conceive that the Protestation, made by this house, is fit to be taken by every person that is well-affected in religion, and to the good of the commonwealth; and therefore doth declare, that what person soever that shall not take the Protestation, is unfit to bear any office in the church or commonwealth. 2. That the knights, citizens, and burgesses, and the barons of the Cinque Ports respectively, shall forthwith send down to the several places for which they serve, copies of this vote of the house concerning the Protestation. 3. That these votes shall be printed, and attested under the clerk's hand."

Impeachment ordered against the Bishops.] It was also ordered, "That a committee shall prepare an Impeachment against the Bishops, the makers of the New Canons and Oath, upon the votes that have passed both houses concerning these canons and oath; and that no Popish lords ought to have vote in the house of lords in matters of religion."

Answer of the Scots Commissioners as to disbanding their Army. July 31. The earl of Bristol reported the Answer from the Scots Commissioners, about the removal and disbanding of their Army, which was read in the house of lords, declaring, "That they had sent to acquaint the lord-general and the army's commissioners with it, from whom they expected very satisfactory answers. They desired that the arrears might be sent to Newcastle, that they might finish their accounts and pay their debts in those counties, and be better prepared for disbanding: but they conceived the non-timous delivery of the arrears would be the greatest impediment in their removal, &c."—However the English parliament having taken care to satisfy all the demands the Scots could make, both armies were disbanded in the beginning of next month.

A Conference about printing the late Protestation by Order of the Commons.] August 2. The commons received a message from the lords, "That they desired a conference, by committee of both houses, in the Painted-Chamber, presently, if it might stand with their convenience." The messengers were told, "That this house had taken their lordships message into consideration, and would return an answer by messengers of their own.' Afterwards Mr. Pym was sent up to the lords with this message:

"Whereas this house hath received a message from your lordships for a present conference, without any expression of the subject, or matter of that conference, which is contrary to the constant course of either house; therefore this house cannot yield to a present conference."—Another message was soon sent from the lords, declaring the subject of the conference; on which it was agreed to by the commons. The business of it was about a printed paper, published in the name of the house of commons, enforcing the taking of the late Protestation, which the lords desired to know whether it was by their order or not.—The commons taking time to consider of it, at another conference, the next day,

Mr. *Hollis* made the following speech* in justification of the votes of the commons, concerning the general taking of the Protestation: —'My Lords; I am commanded by the knights, citizens, and burgesses to present unto your lordships their Answer to what was proposed yesterday. They take notice of your lordships desire, that a true intelligence may be kept between the two houses, for so your lordships did express it. In this they do, with all chearfulness, concur with your lordships; as knowing this conjunction, between your lordships and them, is the golden chain which binds up, in one Gordian knot, the strength, the beauty, the happiness of this kingdom; which, so knit together, is not to be broken in sunder by the fiercest violence. Therefore, he who desires to unlink this chain, and dissolve this knot, or fails of his part to the preserving and continuing it fast, firm, and entire, let the sin of it lye at his door; nay, let it come into the midst of his house and consume it; let him perish, and his posterity inherit only his shame. So careful will the house of commons be to cherish and maintain this good correspondency with your lordships in all things. Next, for the business about which your lordships were then pleased to confer with them; which was a printed Paper you had met withal, as you said, in your house, setting forth some Resolutions of the house of commons, concerning

* Printed for L. Blaikelocke, 1641.

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which you have put unto us these two interrogatories, viz. 1. Whether those printed papers were the votes of the house of commons? 2. Whether they were printed by their command? They answer, That not finding this paper attested by their clerk's hand, they could not judge of it: they had resorted to his book, wherein their orders and votes are entered, and where they found their votes concerning their late Protestation, taken both by your lordships and them; and they found the contents of this paper to agree in terminis with what is entered in their clerk's book. Then they called to mind what had passed in the house upon that occasion, when those Resolutions of theirs were voted; how they had considered of that Protestation, that it bound all men to defend the religion here established, &c. This they conceived to be a true test of every good subject, a Shibboleth to distinguish the Ephraimites from the Gileadites; that whosoever was well-affected in religion and to the good of the commonwealth, would make this Protestation; and, on the other side, who would not make it, was not well-affected. They held it their duties, in discharge of the trust reposed in them by the whole body of the kingdom, all the commons of England; who have sent them out as so many sentinels to watch for them, to give them notice of the good or the evil, friends or enemies, coming towards them. They held it, I say, their duties to declare their opinions, that such a man was not their friend, was unfit to bear office either in church or state; and therefore they passed this vote, 'That it was a thing fit and necessary to be done by them, and for such they do avow it.'—And besides, they thought it fit to give an account to those who had employed them, the several counties and burroughs that had sent them, to give them a mark, by which they might know who were good men, lovers of their country, fit to be entrusted with offices, or with the oversight of any part of church or state; and therefore they gave order this vote should be sent down unto all the parts of this kingdom. And lastly, That it might be done speedily, and not stay the writing out of so many copies, they gave order it should be printed, and be attested under their clerk's hand. The copies of which three Orders your lordships have in this printed paper, which the commons have commanded me to signify unto your lordships; and that the passing of these votes they do own, they do avow, they do justify.'—With these reasons, after some debate, the lords seemed satisfied.

Serjeant Wylde's Speech at presenting the Impeachment against the Bishops.] August 3. The commons received a report from their committee appointed to prepare an Impeachment against the Bishops concerned in making the new canons, by serjeant Wylde, one of the knights of the shire for Worcestershire; and, next day, the said gentleman was sent with it to the Lords. Upon delivering the said Impeachment at the bar, he spoke as follows:

My lords; The knights, citizens, and burgesses of the commons house of parliament being sensible of the great infelicities and troubles which the common-wealth hath sustained by the exorbitant courses of the Bishops; and knowing well what the Wise Man saith, Because sentence against an evil work is not executed speedily, therefore the heart of the sons of men is fully set in them to do evil,' (the timely redress whereof doth better become the wisdom of a parliament than a too late woful repentance) have commanded me to represent unto your lordships, That Walter, bishop of Winchester, Robert, bp. of Coventry and Litchfield, Godfrey, bp. of Gloucester, Joseph, bp. of Exeter, John, bp. of St Asaph, William, bp. of Bath and Wells, George, bp. of Hereford, Matthew, bp. of Ely, William, bp. of Bangor, Robert, bp. of Bristol, John, bp. of Rochester, John, bp. of Peterborough, Morgan, bp of Landaff, together with William, archbishop of Canterbury *, and others of the clergy of that province, at a Convocation or Synod for the same province, begun at London, in the year 1640, did contrive, make, and promulge several Constitutions and Canons Ecclesiastical, containing in them divers matters contrary to the king's prerogative, to the fundamental laws and statutes of the realm, to the rights of parliament, to the property and liberty of the subjects, and matters tending to sedition and of dangerous consequence. And, to add more weight and efficacy to this their monstrous designs, they did, at the same synod, under a specious and fair title, grant a Benevolence, or contribution, to his majesty, to be paid by the clergy of that province, contrary to law. It rested not there; for though this had been enough to have affrighted and terrified the king's people with strange apprehensions and fears; yet, that these might not seem to be contrivances of the brain or fancy only, they were put in execution, and were executed upon divers with animosity and rigour, to the great oppression of the clergy of this realm and other his majesty's subjects, and in contempt of the king and of the law. Whether those persons, my lords, that are culpable of these offences, shall be thought fit to have an interest in the legislative power, your lordships wisdom and justice is able to judge. But, for these matters and things, the knights, citizens, and burgesses of the commons house in parliament, in the name of themselves and of all the commons of England, do impeach the said Bishops before-named, of the crimes and misdemeanors before expressed; and do therefore pray, That they may be forthwith put to their Answers in the presence of the commons, and that such further proceedings may be had against them, as to law and justice shall appertain.

Conference concerning the appointment of a Custos Regni.] August 5. A message from the

* The Surnames of these Bishops were Curle, Wright, Goodman, Hall, Owen, Piers, Coke, Wren, Roberts, Skinner, Warner, Owen, and Laud.

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lords to desire a conference on a former message from the commons, concerning a Custos Regni, or Vice-Roy, in the king's absence: Mr. Pym reported it back to the house, "That the lord privy seal told them, that commissioners were to be appointed in the king's absence to pass the following bills: 1. The act of Treaty. 2. Any bill for raising Money, as there shall be occasion. 3. For raising of forces for service at sea and land, and to resist foreign invasions and seditions at home; with all things necessarily incident thereunto. 4. Any bill for Tonnage and Poundage, or other Duties upon the Exportation or Importation of Commodities. 5. For the preservation of the Salt-Petre Mines, and making of Gunpowder for the defence of the kingdom. 6. A power to pass the bill concerning the 8 Subsidies from the Clergy. A short act to be drawn to authorize the passing of these bills. Mr. Pym added, that the lord Say said, "The lords intended not to conclude for this house; but that they might add what they should think necessary to be expedited in the king's absence." A committee was immediately ordered to consider of this affair, and meet this afternoon about it.

The Impeached Judges forbidden to go the Circuit.] A conference was also held this day between the two houses, about commissions being granted to the impeached Judges to go the circuits; which the commons urged would be very disagreeable to the several counties, to have persons sent down to them, as Judges of men's lives and estates, who are themselves impeached. The lords considered of this, and ordered the lord keeper to take care, That these Judges, so impeached, should have no commissions to go the circuits; and, if any were granted already, to recal them.

The next day Mr. Glynn reported from the above committee, "That this house shall desire the lords to join with them to pray his majesty to appoint a Custos Regni, in his absence, according to their former proposition. That ancient and constant course, from and in all times, has been always to have a locumtenens, in the king's absence, the parliament then sitting, not limited to any particular matter."

The Commons Reasons for desiring the King to delay his Journey.] August 7. The commons were still very anxious about the king's Journey, the time assigned for it now drawing nigh; and actually desired the lords to join with them, again, to petition for the king's stay 14 days longer; the Reasons for which Mr. Denzil Hollis delivered in a speech to the lords at a conference:—'My Lords, I am commanded to put your lordships in mind of what hath passed upon this occasion before, concerning the king's Journey to Scotland, That both houses did consent to petition his majesty not to begin his journey till the 10th of August, and to acquaint the Scots commissioners therewith; who afterwards desired this house to express their resolutions in the affirmative: upon which the house of commons passed a resolution, 'That then, if his majesty pleased to go, they would submit unto it. I am commanded to declare unto your lordships, that the house of commons is desirous to submit unto his majesty's good pleasure in all things; but such is the present condition of this business, as it now standeth, that they are enforced to present some further considerations unto your lordships: 1. That, when they gave this assent, they were in hopes both armies would have been disbanded by that time; but though there hath been all possible means used to that end, yet it could not be fully effected: so the same inconvenience doth still continue. 2. The treaty cannot in so short a time, be finished, being returned from Scotland but 3 days since; but since it is ready to be finished, and monies are provided, the armies will be disbanded by the time we desire his majesty to take his Journey. 3. The distempers and jealousies of the kingdom are such, that they cannot be composed by passing some acts, unless his majesty stay the desired time. 4. No course is yet taken for the government of the kingdom in his majesty's absence, there being so many weighty things to be taken into consideration. Upon these Reasons the house of commons have thought fit to move your lordships to join with us in a petition to his majesty, to stay his Journey for 14 days longer; and we make no doubt but our brethren in Scotland will consider the strait we are in, and, for our safety, condescend to our desires: and if his majesty yield thereunto, then we shall desire your lordships to join with us in sending an express messenger to the parliament in Scotland, for the king's stay for that time; which we hope will give them satisfaction.'

The Royal Assent given to several Bills.] But, to put an end to any more petitions of this kind, in the afternoon of this day, the king came to the house of lords; and sending for the commons, his majesty gave the royal assent to the following public bills: 1. An act against divers Encroachments and Oppressions in the Stannary Courts. 2. An act for the securing of such monies as are or shall be due to the inhabitants of the counties of York, and those adjoining, wherein his majesty's Army is or hath been billeted, for the billet of the soldiers there; as also to certain officers of that army, who do forbear part of their pay, &c. 3. An act for declaring unlawful and void the late Proceedings about Ship-Money, and for vacating of all records and processes concerning the same. 4. An act for ascertaining the limits and bounds of Forests. And to 7 private acts.—After this the lord keeper made a short speech, and then the king bid the parliament farewell, and so departed.

The Reasons of both Houses for sitting on a Sunday.] When the commons returned to their house, it was first resolved, "That this house should sit to-morrow, being Sunday, at 8 o'clock; and ordered Mr. Strode to go up to the lords, and acquaint them with it," and to desire their lordships to do the same; which the lords consented to.

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Ordered, "That all the members of this house, in regard of the great and weighty affairs that import the safety of the kingdom, do repair hither, to attend the service of the commonwealth, with all possible speed, upon pain of incurring the displeasure of the house for their neglect." This order was printed, and sent to all the returning officers in the kingdom. A Call of the House was peremptorily ordered for the 17th instant.

August 8. This day, being Sunday, the commons went down, by 6 o'clock in the morning, to St. Margaret's Church, Westminster, and heard prayers and a sermon, and returned to the house about nine. Ordered, "That this house shall enter into consideration of no business whatsoever upon this day, but such as shall immediately concern the good and advancement of religion, and the safety of the kingdom." And, accordingly, both houses agreed in a Declaration, which was printed and published in these words:

"Whereas both houses of parliament found it fit to sit in parliament upon the 8th day of August, being the Lord's Day, for many urgent and unexpected occasions, concerning the safety of the kingdom; they being so straitened in time, by reason of his majesty's resolution to begin his Journey towards Scotland on Monday following, early in the morning, that it was not otherwise possible for to settle and order the affairs of the kingdom, either for the government thereof in the king's absence, or for the present safety, as was requisite upon these present necessities: though the houses thought it necessary to sit, yet the lords and commons, now assembled in parliament, think it meet to declare, that they would not have done this, but upon inevitable necessity, the peace and safety both of church and state being so deeply concerned; which they do hereby declare, to the end that neither any other inferior court or council, or any other person, may draw this into example, or make use of it for their encouragement, in neglecting the due observation of the Lord's Day."

Both Houses petition the King to delay his Journey.] The lords sent a deputation of their body to the king, to know his pleasure when the two houses should wait upon his majesty with their petition, who appointed 4 o'clock that afternoon for the purpose. Several reasons were also agreed upon to be given to the commissioners for Scotland, for staying the king's journey. At the time appointed a committee of lords waited on the king at Whitehall, with the joint Petition of both houses, to which his majesty returned the following Answer:

"That the importance of your desires would require some time of deliberation, if the urgent necessity of the business did not press the contrary; the same necessity teacheth me what to answer, which is two-fold. First, and chiefest, Is my public faith given to my kingdom of Scotland, to be present at the parliament; and never any prince was so strictly bound in honour as I am to do this. Secondly, the urgency of my affairs there, which indeed are very great. To comply with both which, I can stay no longer than Tuesday: and so long I think fit to stay, that the gentlemen of the house of commons may so hasten the Treaty with Scotland, that I may give the royal assent thereto, some time to-morrow; for, otherwise, I shall be forced to pass it by commission which I leave behind me; but the earnest desire I have to pass this important bill, personally, makes me stay thus long, which I know will be very inconvenient to me. To conclude: I desire your lordships to remember, that, upon your requests, I have already stayed one month, and that you, by public promise, engaged not to urge my stay longer than to-morrow; therefore, remembering all engagements, I expect that ye press me no more in this; and for the government of the kingdom, I hope I shall leave behind me such commissions as will serve, especially whilst the parliament is sitting."

The Scots commissioners also returned an Answer to the parliament's last proposal, wherein they inforced the reasons for his majesty's going; and concluded, That the affairs of that kingdom were so pressing, as could not, without danger of irreparable loss, suffer any longer delay.

August 10. The king came to the house of lords in the morning, and sending for the commons, his majesty gave the royal assent to 1. An act for the confirmation of the treaty of pacification, between the two kingdoms of England and Scotland. 2. An act for securing, by public faith, the remainder of the Friendly Assistance and relief, promised to our brethren of Scotland. 3. An act for bringing in of Gunpowder and Salt-petre from foreign parts. 4. An act for prevention of vexatious proceedings touching the order of knighthood. 5. An act for the better ordering and regulating the Office of Clerk of the Market, and for the Reformation of false Weights and Measures. Then the king took his leave a second time of the parliament telling them, "That he hoped to use good expedition in disbanding of both armies, and would make all haste he could to return before Michaelmas." About two of the clock in the afternoon the king set out for Scotland, accompanied with the elector Palatine, and the duke of Lenox, who, the day before, was introduced into the house of peers as duke of Richmond.

The first thing the commons did, after their return to their house, was to take into consideration the way of putting the kingdom into a posture of defence, and to settle some order of government both in church and state; but nothing particular was done in the business at this time. They likewise sent up a bill to the lords, intitled, 'A Subsidy to be granted to the king of Tonnage and Poundage, and other sums of money payable upon Merchandizes imported and exported,' which they desired might pass by commission; and that the same might be issued before his majesty be out of this kingdom.

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Proceedings in relation to the Impeached Bishops.] Aug. 11. The lords received a message from the commons to put them in mind of the Impeachment brought up against 13 Bishops; and to let the lords know that the commons were ready to make good the said Impeachment at their bar, and to appoint a time when the said Bishops shall make their Answers in that house in the presence of the commons. Upon this message the lords fell into a debate, whether the Impeachment against the Bishops was not too general for them to answer; and resolved to have a conference with the other house about it. At this conference the lord privy seal told the commons, That they had received an Impeachment against 13 Bishops, delivered at the bar by word of mouth, accusing them of many great crimes and misdemeanors, to which they required the bishops to answer. That these were matters of great consequence; and coming from the house of commons, they were very curious not to proceed, but in a parliamentary way, upon good consideration. That the charge was in generals only; and since there were two ways of proceeding, by transmission from this house, or a charge by word of mouth; in the latter, the course is to appoint some of the king's counsel to draw up particular charges out of the general. That the lords would proceed no way till they had acquainted them with it; and desired the commons to consider, whether they would stand to the charge already transmitted.

August 12. The house of commons resumed the affair of the Army-Plot against the parliament, and voted Henry Percy and Henry Jermyn, esqrs. with sir John Suckling, knt. guilty of High Treason. A public thanksgiving was also ordered to be observed on the 7th of September next, for the happy conclusion of the peace.

August 13. The commons prepared a new Charge against the 13 Bishops, much in the same words as before, and sent it up to the lords by serjeant Wylde.

Complaint against the Capuchins belonging to the Queen.] The same day the father-sovereign of the Capuchin Friars, belonging to the queen at Denmark-House, with the rest of that brotherhood, were complained of by the commons, as dangerous and active in seducing the king's people from the Protestant religion. Hereupon the lords ordered the earl of Dorset* to attend the queen, and humbly to desire her majesty, That the said Friars may be kept in, and not suffered to go abroad to pervert the people, and draw them to be reconciled to the church of Rome. And further, that the said earl do send for the chief of the Capuchins, and give him warning that he obey this command.

Aug. 17. This day the earl of Dorset signified to the house of lords, "That he had waited on the queen, and acquainted her majesty with the humble desires of this house, touching the restraining of the Capuchin Friars in Denmark-House from tampering with and withdrawing the king's people.' Her majesty says, 'It is much against her will that they have gone abroad, or have endeavoured to pervert any from their religion; and her majesty is also very unwilling that any English people should resort there to chapel; but her majesty will give orders to prevent these for the future.' And the earl of Dorset said, 'He would obey their lordships command, and send for the chief of the Capuchins; and give him a strait command, not to suffer any of the Friars to go abroad, nor any English people to come to them, or to hear mass there.'

Orders of the Lords concerning the impeached Bishops.] The same day, the lords ordered the Impeachment against the 13 Bishops to be read; then went into a debate about it, and came to these Resolutions: 1. "That the lords the Bishops who are impeached, may sit in the house, without voting, when it is in debating whether they shall have further time to answer or not. 2. That such of the Bishops who are impeached, shall not sit in the house when the merits of the cause are in debate." Afterwards the time for the Bishops to give in their Answer to the Impeachment, was fixed for the 16th of Sept. next.

Aug. 18. That the bishops might be the better prepared to give in their Answer to the Impeachment against them, it was this day ordered by the house of lords, "That the bishop of Rochester, with one other of the bishops, may have free access, twice, unto the lord archbishop of Canterbury, to speak with him concerning their Answer to the Impeachment brought up against them from the house of commons, for making a Book of Canons, &c. and they are to speak with the said archbishop of Canterbury about no other business." It was also ordered, "That the lords, the Bishops, may have access unto, and have copies of all such acts and records, as are in any of his majesty's courts of justice and public offices, which may make for their defence or answers to the Impeachments brought against them from the house of commons."

Commissioners to attend the King into Scotland.] A letter to the king, by way of petition from both houses, was read, in which William earl of Bedford, Edward lord Howard, sir Wm. Airmyn, bart. sir Philip Stapleton, knt. Nath. Fiennes and John Hampden, esqrs. were appointed Commissioners to attend his majesty in Scotland; and that he would graciously permit the said persons to follow the Instructions there given them by parliament, viz.

I. "To take care of the ratification of the Treaty, and of those acts which concern both nations, and to bring with them an authentic exemplification of the same. II. That they see the Commission settled concerning Trade, and of keeping good correspondency between both kingdoms for a public Peace, according

* Lord Chamberlain of her majesty's household.

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to the Articles of the Treaty. III. To demand satisfaction for such Debts as shall remain due from the Scots unto the Northern counties, for provision and monies raised and taken up, for the Scots army. IV. To clear the proceedings of the parliament of England towards the parliament of Scotland, if they shall find any false reports, which may breed a misconstruction between both kingdoms. V. To assure them of the good affection of the parliament of England in all things, so far as concerns the service of his majesty, and the peace and prosperity of both nations. VI. To certify the parliament, from time to time, of their proceedings, and of all occurrences which shall concern the good of this kingdom. VII. That they shall put in execution such further Instructions, as they shall receive from both houses, and as his majesty shall approve of. VIII. That they proceed not in the Treaty with the parliament of Scotland, till warrant and commission be sent down unto his majesty, by a messenger on purpose, and a return with the warrant to pass the commission under the great seal of England."

Ordered, by the commons, "That Mr. Anthony Nichols, member for Bodmyn, be the messenger to Edinburgh, to carry the Petition, Commission, and Instructions, then read, for his majesty's approbation; and that the sum of 1000*l.* be allowed for the commissioners charges.

The Lord General ordered to disband the Army.] August 19. A conference between the lords and commons, about the speedy disbanding of the English Army, to which the king had given his consent, particularly the horse; and an order was made, to be sent to the lord general, That all further delays and excuses set apart, he do, forthwith, disband all the horse troops of the army, before any of the foot; and command the officers of them to depart, as a matter of great importance to the commonwealth. Mr. Rushworth, author of the Collections, was sent post to York by the commons with this order to the lord general, and also letters from the parliament to the lord Fairfax, sir Arthur Ingram, and Mr. Mallory, to see this order punctually obeyed.

August 25. A messenger had been sent down by the lords, to bring up Dr. Roger Manwaring, bishop of St. David's, who returned and said, that he could not be found; on which the lords ordered, "That his temporalities should be seized into the king's hands, until the said bishop should appear, and attend the commands of that house."

State of the Navy.] The commons took into consideration the State of the Navy, and found, That the arrears due to the officers of the Navy were very great, and the provisions in the magazines decayed. That for the guarding of the narrow seas this year, the house of commons had set forth ten of the king's navy and ten merchant ships, the charge whereof did amount to 57,000*l.* and for payment of which there is only advanced 1200*l.* out of the money granted to the king for Tonnage and Poundage; and considering the seamen, when they come home, will want their pay, and are to remain in pay till they receive their wages, which will grow to an excessive charge, unless some course be taken to provide the said 57,000*l.* Therefore it was ordered, That the farmers of the customs pay 15,000*l.* a month to the treasurer of the navy, towards the discharge of that debt.

A Recess resolved on.] Aug. 27. A conference was this day held between the two houses, in which the commons represented to the lords, That since the Scots army was now gone out of the kingdom, the English army almost disbanded, and that the plague increases in the cities of London and Westminster, and parts adjoining; they have therefore thought of a Recess for the two houses, from the 8th of Sept. to the 20th of Oct.; to which they desired their lordships consent. On consideration of this, the lords thought proper to propose the Recess to be from the first date to the 1st of Nov.; which the commons refused for the following reasons:—"As, first, the nature of the Causes which are depending in both houses, some thereof being for High Treasons, and the Impeachment of the Judges; the inspection of which business they desired might be before next term. 2dly, The time of Payment of the Money, promised to the city of York, falls out to be before the 1st of Nov.; therefore they desire their lordships to have a recess only to the 20th of Oct. next;" to which the lords agreed.

Sir B. Rudyard's Speech against suffering the French or Spaniards to hire disbanded Soldiers.] Aug 28. The affair of the French and Spanish Ambassadors hiring forces from the disbanded Irish Army, was considered of by the commons. Upon this occasion

Sir *Benj. Rudyard* made the following speech: 'Mr. Speaker, This is a business of great consequence, and therefore requires a well advised resolution. I will put France and Spain together, and take them both before me; because the reasons will serve the one and the other, as they stand in relation to us. We are so bounded by the nature of our situation, that we are not so proper to extend ourselves upon the firm land as our neighbours; our aptitude is rather to balance; which, being rightly used may make the king the great arbiter of all the affairs of Christendom, by assisting, withholding, or opposing. Henry 8 is an example of this; he was sometimes on the side of the emperor, other times of the French party, according as he saw either side of the scales to weigh heavier or lighter. Some might think this to be inconstancy in him; but it was certainly out of a true and peculiar understanding of his power. By the present state of Christendom it is apparent, that the house of Austria begins to diminish, as in Spain, so consequently in Germany: that the French do swell and enlarge themselves; if they grow and hold, they will be to us only Spain nearer hand. Alliances do serve well to

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make up a present breach, or mutually to strengthen those states who have the same ends: but politic bodies have no natural affections, they are guided by particular interest, and beyond that are not to be trusted. Although it may be good policy to breed a militia at the charge of other states abroad, for our own use and occasions at home, yet that ought rather to be done amongst friends of the same way; and so the Low Countries have been an academy to us. His majesty hath now an ambassador treating with the Emperor about the Palatinate. If we send away our men, it will so damp and discountenance the affairs of the Prince Elector, as the world will believe we never had, nor ever shall have, any intentions to assist him at all. I have observed, for divers years, that England is not so well peopled, but we do want work-folks to bring in harvest: our disbanded soldiers will least dislike that kind of work; and if they be speedily dissolved, that employment will entertain them for the present, and inure them to labour for hereafter. Upon these considerations I cannot give my advice to add more strength to France, by weakening both ourselves and our friends.—As for sending the Irish into Spain; truly sir, I have been long of opinion, that it was never fit to suffer the Irish to be promiscuously made soldiers abroad, because it may make them abler to trouble the state when they come home. Their intelligence and practice with the princes whom they shall serve, may prove dangerous to that kingdom; they may more profitably be employed upon husbandry, whereof that kingdom hath great need. Besides, it will be exceedingly prejudicial to us, and to our religion, if the Spaniard should prevail against the Portuguese. It were better for us he should be broken into lesser pieces, his power shivered. If the king of Portugal had desired these Irish, I should rather have given my vote for him than the king of Spain, because it will keep the balance more even. Spain hath had too much of our assistance and connivance heretofore: I am sure it lost us the Palatinate. Now that it is come to our turn to advise, I hope we shall not do over other men's faults again. If the present government of Ireland be not able to restrain their disordered people, there is a noble lord already designed to that charge, who, by his knowledge in martial affairs, and his other great abilities, will be, no doubt, abundantly capable to reduce them to a due obedience. Wherefore, Mr. Speaker, upon the whole matter, my opinion is, That we should not be forward to spend our men, but rather to preserve and husband them for our own use and employment, for our friends, for our religion.'

After which the house came to these votes; Resolved 'That this house holds it not fit, that there should be any levies of men in Ireland for the service of the king of Spain; nor in any of his majesty's dominions for the French king's service.' This was confirmed by the lords, who ordered, that a letter should be sent to the king to inform him of these Resolutions.

The King's Letter relating to the Scots Treaty.] August 30. The lord keeper acquainted the lords, that he had received a Letter from the King, by the return of their messenger, Mr. Nichols, which was read in these words:

"Right trusty and well beloved, we greet you well; Whereas we have understood, by a Petition of both houses of our parliament in England, which Anthony Nichols, esq. hath been employed to bring us, that they have resolved to send down certain of their members for to see the ratification of the Treaty of Pacification by the parliament here; and, to that end, have desired a commission under our great seal; we do not hold it necessary to sign any such commission, but are graciously pleased to give leave to the said members to come and attend us here in Scotland, to see the ratification of the said Treaty, and what else belongs thereunto. And this we require you to signify to both the houses from us. Given under our signet at our court at Edinburgh, the 25 of August."

After the reading of this Letter, the house resolved to communicate the contents of it to the commons. Mr. Nichols also brought wih him the king's Reasons for refusing to grant a commission, which were as follow: 1. "His majesty conceives the Treaty of Pacification, between the two kingdoms, is already ratified by the parliament of Scotland. 2. It would be a means to keep his majesty longer there, than he intended to stay. 3. For if this commission should be granted, it would beget new matter. 4. That the Scots army is over the Tweed; and that the lord general hath almost disbanded all our army, and hath begun with the horse." These Reasons seemingly contented both houses, for we hear no more of the matter.

The French Ambassador insulted.] Upon information that the French Ambassador and his servants had been lately assaulted in his own house, by a company of rude insolent people, to his excellency's insufferable wrong, injury, and dishonour; the lords made an Order to find out the malefactors and punish them severely, for a fact so much to the dishonour of the king and kingdom.—On the 6th of Sept. the lords ordered 3 of the rioters, concerned in attacking the French ambassador's house, to be committed to Bridewell; to stand in the pillory and be publickly whipped before the said house; and afterwards ask his pardon on their knees: but, at the instance of the ambassador, the whipping was remitted. Complaint was also made, that the Portuguese Ambassador's chapel, in Lincoln's-Inn-Fields, had been since assaulted by the mob.

Resolutions relating to the Communion-Table, Crucifixes, &c.] Aug. 31. The house of commons began their first reformation in Church Affairs, and came to a resolution "That this house holds it fit, that the church-wardens of

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every parish church, or chapel, do forthwith remove the Communion-Table from the east-end of the church, chapel, or chancel, where they stand altarwise, and place them in some convenient place of the church or chancel; and take away the rails and level the chancels, as heretofore they were before the late innovation."

Sept. 1. Some further regulations, as to Churches, were made by the commons, with this preamble to them: "Whereas divers innovations, in or about the worship of God, have been lately practised in this kingdom, by enjoining some things and prohibiting others, without warrant of law, to the great grievance and discontent of his majesty's subjects; for the suppression of such innovations, and for the preservation of the publick peace, it is this day ordered by the commons:" Then follows the Resolution of yesterday; and next, "That all Crucifixes, scandalous pictures of any one or more persons of the Trinity, and all Images of the Virgin Mary, shall be taken away and abolished; and that all tapers, candlesticks, and basons be removed from the Communion-Table. That all corporal bowing at the name of Jesus, or towards the east-end of the church, chapel, or chancel, or towards the communion-table be henceforth forborne. That the Lord's Day shall be duly observed and sanctified; all dancing or sports, either before or after divine service, be forborne and restrained; that the preaching of God's Word be permitted in the afternoon, in the several churches and chapels of this kingdom, and that ministers and preachers be encouraged thereunto."—These Orders were also to be strictly observed in both the universities; and all mayors, sheriffs, justices of the peace, &c. were enjoined to see them put in execution. But a debate arising, Whether an Addition, relating to the Book of Common-Prayer, should be made to these orders, the house divided, and it was carried, in the affirmative, 55 against 37. Resolved, upon the question, "That the committee yesterday appointed to prepare an order for taking away all superstition, shall take into consideration to propound unto the house an Addition to the Order for preventing all contempt and abuse of the Book of Common-Prayer, and all tumultuous disorders that might arise in the church thereupon."—So that, by the thinness of the house, the church-party got the better at this time.

Sept. 8. The commons sent up to the lords their former orders about a Reformation in Churches; the first three of which the lords having taken into consideration, came to these Resolutions. 1. "That where there are rails already, they are to be removed with the Communion-Table; but where there are none, they shall not be enforced upon any; and that all steps in the chancel, raised within these 15 years shall be removed. 2. "That Crucifixes, and scandalous pictures of the Trinity, be abolished, without limitation of the time since their erection; and all Images of the Virgin Mary set up within 20 years last past. 3. "As to the ceremony of Bowing at the name of Jesus, it shall not be enjoined nor prohibited to any man."

The same day the commons went one step farther in their intended Reformation, by ordering "That it shall be lawful for the parishioners of any parish, in the kingdom of England and dominion of Wales, to set up a Lecture and maintain an Orthodox Minister, at their own charge to preach every Lord's Day, where there is no preaching; and to preach one day in every week, where there is no weekly lecture."

Farther Proceeding concerning colonels Ashburnham and Pollard.] On a division, Whether colonels Ashburnham and Pollard, who had been voted to be concerned in the late Army-Plot, should have their pay? it passed in the negative, 49 against 41. Lord Clarendon gives us the following account of the debate on this question: "Very many passionately alledged, 'That such men ought not to receive their pay, who had forfeited their trust:' yet there wanted not many who alledged, 'That they had the security of an act of parliament for their payment; and that in justice, it could not be detained from them: That tho' they lay under the displeasure of the house, they were so far from a judgment yet, that there was not so much as a charge against them, but that they were at liberty under bail; and therefore they could not be said to have forfeited any thing that was their own.' In this debate the house seem'd equally divided till one (Mr. Selden) who knew well what he said, told them, 'That there could not be any reasonable pretence for detaining their due, as well for the reasons that had been given, as that they were absolutely pardoned by the late act of oblivion and pacification between the two kingdoms." The which was no sooner said, than many of those who were before inclined to the gentlemen, changed their opinions, and without so much as calling to have the statute read declared, 'That they could have no benefit by that act of parliament; because then the same might be as well applied to the archbishop of Canterbury.' And so, without further weighing the law, or the reason, it was thought sufficient, not only to exclude them from that benefit, but to bar them from their money; lest they might be thought to be admitted to it for that reason, which might prove an advantage to another, to whom they had no inclination to be just."—But the noble historian takes no notice of the following remarkable circumstance, That in the afternoon of the same day, the motion concerning these gentlemen being allowed their Pay, was again put to the question, when it was resolved, by 29 against 28, "That they should have their Pay, notwithstanding any former Order."

Orders relating to the Plague.] The Plague which had infected the cities of London and Westminster, increasing, there were, by the agreement of both houses of parliament, certain Orders made to prevent the spreading of

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the infection, which were as follows: "1. That the words, 'Lord have Mercy upon us,' with a large red cross, be set upon the door of every house infected with the plague. 2. That all the stuff in the house, where any have been visited with the plague, be well aired before it be discharged, or the house opened. 3. The house visited with the plague to be shut up, whether any persons therein do die or not, and the persons so shut up to bear their own charge, if they be of ability. 4. No person to be removed out of any infected house, but by leave of the magistrate. 5. If any person fly out of any house infected with the pleague, at or before the death of any in the house, such persons so flying to be pursued by hue and cry; and the house where they shall be found to be shut up, and they returned back to the place from whence they fled. 6. That the decree, 40 Eliz. imprinted, inter alia, for the relief of the poor, who are driven to live by begging, or to be relieved by alms, and have been taken into new erected tenements and divided houses, be taken into consideration during the time of infection; and the landlords of such tenements to be rated, according to the said decree, with the parishioners where such buildings and divisions are, as if they were dwelling in the said parish; for that, otherwise, the said buildings will be an insupportable charge to the parish, and the poor people turned out into the streets in this time of infection. 7. That the pavements in the streets be made sufficient, and so continued, and the kennels kept sweet and clean, the soil of the said streets to be carried away, and all annoyances to be removed; and such inhabitants as shall refuse to pay the reasonable rates assessed on them for payment of the scavengers, which shall clean and carry away the soil, be distrained by their goods for the payment thereof. 8. That if any person shall turn out of their houses any servant or lodger, being sick, power be given to the magistrate, or officer, to put them in their said house again, or otherwise the said persons to provide sufficient maintenance for them; and, upon their refusing so to do, being able persons, to distrain the goods of such persons, that shall so turn them out of doors, for the discharge. 9. If, by order of the magistrate, any persons so visited be removed out of their house or lodging to the pest-house, or other place; when they be recovered, and in perfect health, the said magistrate to have power and full authority to return and settle the said persons in their houses or lodgings, from whence they were so taken out, without contradiction of their landlords or any others. 10. That all such magistrates, or other persons, that shall be trusted with this service, may be enabled to do all other things necessary and pursuant to the execution of these Orders, as occasion shall require: and be out of the danger of misconstruction, seeing they hazard their particular safeties to provide for the public."

Orders of the Lords concerning Divine Service.] The lords went upon settling Religious Affairs; and, on a division voted "That an Order made Jan. 16, 1640, by that house, concerning Divine Service to be performed, as it is appointed by several acts of parliament of this realm, and all that disturb that wholsome order shall be severely punished, according to law, &c. be again printed and published. A Protest of some lords is entered in their Journals against it: which Protest is the first of this kind we have yet met with:

Peers Protest against it.] "After the debate for printing and publishing the order of the 16th of Jan. last," [Here the order is recited as before] "it being put to the question, Whether the said Order shall be printed before a conference held with the commons about it, we whose names are here under-written did dissassent: and having, before the putting the question, demanded our right of protestation, do accordingly make our protestation, That we hold it fit and necessary to have the consent of the house of commons in these things, which concern so nearly the quiet and government of the church; and therefore we desired to have a conference with the commons, before any conclusive Order was printed and published herein; especially the house of commons having but lately brought to us, and desired the consent of our house unto, certain votes of theirs against Innovations, in or about the Worship of God, lately practised in this kingdom, without warrant or law; and therefore to acquit ourselves of the dangers and inconveniences, that might arise by the printing and publishing of the said Order, as binding to the whole kingdom, without the desiring the consent of the house of commons: we do protest our dissassents to this vote, and do thus enter it as aforesaid.' BEDFORD, WARWICK, CLARE, NEWPORT, WHARTON, KIMBOLTON."

The lords also sent a message to the commons to desire a conference about the Instructions and Ordinance sent up by the latter this morning; and, also, concerning a committee to be appointed to meet, during the time of the recess, to receive and answer the Letters which shall come from the committees in Scotland; and to do such other things as shall be desired by the houses; which was agreed to. After this the lords resolved to have another conference with the commons, to desire them to join with their house in the foregoing Order concerning Divine Service; and a message, to that purpose, was sent accordingly. We do not find that a conference was held, between the two houses, on this subject; but that, when the message abovesaid was received by the commons, they instantly resolved, "That this house doth not consent to these Orders, or to any of them." And immediately appointed a committee to draw up a Declaration of their own, against the other; which, being read in the house, was approved on, and ordered to be printed and published.

Committee appointed to act during the Recess.] Both houses appointed Committees, during the Recess; for the lords there were the

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lord keeper, lord privy-seal, lord chamberlain; earls of Warwick, Clare, Denbigh, and Cleveland. Those for the commons were Mr. Pym, sir Gilbert Gerrard, sir John Frankland, sir John Colepeper, Mr. Wheeler, sir Hen. Mildmay, Mr. Bridgman, Sir Tho. Bowyer, sir Tho. Barrington, sir Edw. Hales, sir Wm. Litton, sir Rd. Cave, Mr. Rob. Goodwin, sir Sam. Luke, Mr. Wingate, sir Rob. Pye, alderman Soames, alderman Pennington, captain Venn, Mr. Vassal, lord Falkland, capt. Rainsborough, Mr. Bence, sir Peter Wroth, Mr. Holland, Mr. Winwood, Mr. Scawen, Mr. John Goodwin, sir Tho. Dacres, Mr. Morley, Mr. H. Martin, Mr. A. Goodwin, sir John Clotworthy, Mr. White, Mr. Sollicitor St. John, Mr. Spurstow, Mr. L. Whitaker, Mr. Serj. Wylde, Mr. Strode, sir Hen. Vane, Mr. Glynn, sir Symonds D'Ewes, sir Wm. Drake, Mr. Beddingfield, sir G. Pickering, Mr. Blackston, Mr. Waller.—This committee of the commons was to act according to the following Instructions:—"To meet on Saturday next, in the Exchequer-Chamber, at 9 in the forenoon, and every Tuesday and Saturday in every week, and at such other times as they shall think fit, during the recess; and they, or any six of them, to have power to meet with the committee of the lords, appointed during their recess, at such times as they shall appoint. To have power to receive and open such letters as shall come from the committees in Scotland; and to give answers according to the former Instructions and Orders of this house. To take care that the orders of this house be punctually observed, concerning the Disbanding of the Army, Train of Artillery and Garrisons; and for the issuing and sending down of Money for those purposes accordingly. To have power to recall the committees in Scotland, if they see cause. To have power to go on in preparation of proceedings against the principal of such delinquents as are already voted or complained against in the house; and to report any offers which they shall make to the house. That upon information of any riots or tumults, to have power to send to all sheriffs, justices of peace, and other officers, to stir them up to their duty in repressing them; and to report to the house any failure of obedience to such sending. To examine the entries of the Clerk's book; and, to that end, that the committee may not mistake any past action of the house, a clerk to be left there with his books. To take care of the preparation of his majesty's Revenues; and to take into consideration any accounts to his majesty. To go on in prosecution of the consideration of a West India Company. To take into consideration the Fishing upon the coasts of England, Scotland, and Ireland. To take into consideration the Resolution of the Abuses in exchanging and transporting of Money, and the regulating of the par betwixt this and other kingdoms. To prepare the Irish Causes depending, to be either, at the access, transmitted to the lords, or recommended to the Irish parliament. To consider about Salt-petre and Gun-Powder. To send for any persons, writings, and records. To prepare a Discharge for the earl of Warwick, according to those acquittances he hath given concerning the Northern counties."

This day also the lords ordered, That the Impeached Bishops should bring in their Answers to the said Impeachment on the 10th of Nov.: after which both houses adjourned to 20th of October.

Whitlocke writes, "That the state of affairs, in the recess of parliament, seemed to be in a calm, but soon broke out into hideous storms, which threatened the long enjoyed peace of the kingdom. That discontents at government, and distractions in opinion concerning religion, put the whole kingdom into a spirit of division and contradiction. Insolences and disorders, unpunished or connived at, mightily increased; the successes of the Scots animated other subjects to illegal pretences and impious actions; and, what made things infinitely worse, in this time of the king's absence in Scotland, the Irish rebellion broke out." How far the account of this last affair came before the English parliament, will appear in the sequel.

Mr. Pym's Report of what had been done by the Committee during the Recess.] Oct. 20. Both houses met pursuant to adjournment; when

Mr. *Pym*, one of the Committee of the commons, appointed to sit during the Recess, made a Report to that house of what had happened in that interval as follows:*—"The first thing we had in charge, was concerning the Declaration of the house relating to Innovations: the committee have sent divers of them into the country; and have found, that, in some places where there were good ministers, they were entertained; and in some other places they were neglected; but, for the most part, it is by those that have been questioned here for other matters. The committee took into consideration the intention of the house, concerning the publishing of this Declaration: therefore they gave directions to require the publishing thereof in churches; and that the church-wardens might see the execution thereof. Some particulars concerning this will come in a special Report, which I shall now only touch upon in the general, in regard of the great importance of the business first to be considered of this day, touching the Troubles in Scotland; of which I shall give you an account.—The next thing the committee did take into consideration, was the correspondency with the committee in Scotland, in receiving Letters from them, and sending Answers unto them. I shall not need to produce their several letters now, it will take up too much time; but the chief point was touching the Disbanding of the Army, and the two garrisons of Berwick and Carlisle. For Carlisle; it is totally disbanded, and the soldiers sent

* This Report is very imperfectly given in Rushworth's Collections; but it stands thus in the Journals,

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into Ireland, to be placed there, as they were before in the king's army; for we did conceive it fitter, those new men, now in the king's army there, should be dismissed, and these that were formerly taken from thence should be entertained again; for we hear a good report of their carriage at Carlisle: as for the garrison at Berwick; that required longer time of consideration at the committee; for, besides the demolishing of the works (which was much pressed by the Scots, and seconded by a letter from his majesty out of Scotland) there was a want of money; yet the committee got sufficient to disband all, and sent it down: and because the Scots commissioners desired to know a certain day of our disbanding, and then they would, upon knowledge of that, disband their forces; thereupon the committee set down 15 Octobris to be the last day of disbanding. And the letter yesterday received from sir Michael Ernley sheweth, that he hath money enough to disband all; and the horse are disbanded, and 5 companies of foot: and that on Friday last the other companies of foot remaining had been disbanded, but a letter came from sir Henry Vane, in his majesty's name, requiring to stay the disbanding of the rest till further order, of which you shall hear more particularly, when I come to that part of my report.—For the Arms and Ammunition at Carlisle; the committee gave order for the listing and safe-laying of them up, to be well kept till the next spring, when it will be more seasonable to send for them away, they being now 5 or 6 miles from the sea-side; which would have taken now too much time to have shipped them: and sir George Dalston, and others, members of the house, are desired to take care of the safe-keeping of them in the mean time.—For the Ammunition at Berwick; the committee have sent 6 ships to transport the same to the Tower; and agreed with them for a certain sum for the doing thereof within such a time; and if they stayed longer, to have so much per diem for demurrage.—The next thing we took into consideration at the committee, was concerning Tumults; though we cannot say there were any great tumults, yet there were seeds sown, which might have occasioned some, in the execution of the Order of the house touching Innovations: but I shall make a particular report of those parishes where they were at blows, and likely to come to blows, if the committee had not sought the prevention of it; which was the ground why the committee entertained their petition.—There was another like trouble and sign of tumult, by the frequent resort of Troopers to town, and to the committee; who delivered 30 several petitions to the committee, in their own names, and the names of other discontented persons in the army. We could not refuse to accept their petitions, lest they should grow to tumults; and of their complaints, and the nature of them, I shall give a particular report; but the committee did vote nothing concerning them. It will be very fit to resolve something concerning them, that they may depart the town; for, under the name of soldiers, many robberies are done; which occasioned the committee to give order, that all of them, that desire to have passes to go beyond sea, might have the same: but that would not serve their turn, unless they might have liberty to receive pay here, to go in companies, under conduct, to the service of foreign princes; which the committee could not give way unto, in regard of the Ordinance of both houses to the contrary. There is another head the committee had in charge, concerning the King's Revenue: all we could do in that, (which I did by the direction of the committee) was to take care for a balance touching the same: and accordingly I spoke with the king's officers about it; and a balance will be ready when you please to call for it.—Next was, concerning the Exchange beyond sea: I think, for that, there will be a good return made for the benefit of the commonwealth. Another thing was concerning the Irish Petitions; but the gentleman that used to be in the chair for Irish affairs, (Mr. Whistler) was out of town, and had most of their petitions with him; so we could do nothing; only one Mr. Cope, and Mr. Lomach, who had long attended, had their case made known to the committee; the one desiring to have two witnesses examined, upon a petition here depending, who are ready to go to sea; and the other, Mr. Cope, of English parents and great family, is a petitioner for recovery of an estate of a great value, which he conceives hath been long kept from him wrongfully; and desires that a committee may but consider of the depositions already taken, touching the same, in several courts of records, whether there be not just cause for him to have relief, and matter of ground to proceed on his petition; and, if not, he will desist in petitioning the house.—The next thing in charge, was concerning Delinquents: in that we made but a small progress; for we had a desire to have perfected the charge against my lord archbishop of Canterbury; but in regard those of the long robe of the committee were for the most part absent, we could not proceed therein.—Next there came to me, to my lodgings at Chelsea, sir John Berkeley and serjeant major O'Neal; who said they heard they were accused, and had rashly withdrawn themselves; but, upon better consideration, they were returned to submit to the pleasure of the house. I thought it my duty to make some privy-counsellor acquainted therewith; whereupon I went to my lord Willmot with them, who undertook they should attend the committee the next sitting; which they did accordingly: and, in pursuance of the order and warrant of the house for the apprehending of them, they were both attached by the serjeant's deputy: so the house may be pleased to send for them, and to do therein as they see cause.—For the Letters last received out of Scotland from the committee; they speak of something intended to be done there

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upon the persons of divers lords of Scotland: and, in regard some of the parties, suspected to have a hand in that design, are suspected to be Papists, the committee did conceive they might have correspondency with the like party here; and therefore commanded me, yesterday, to write to my lord mayor of London, to place convenient guards in several places of the city, till he received further directions from the parliament; and likewise to the justices of peace for Middlesex, Westminster, and Southwark; and to observe such further direction as they should receive from the earl of Essex, who, in his majesty's absence, is appointed general on this side Trent.—I forgot to report one thing, That, upon Tuesday last was sevennight, the committee here agreed, and so ordered, That the committee in Scotland should, unless they see cause to the contrary, return home; and, lest our letters might miscarry, commanded me to send an express messenger to them, and I did so; and writ also, by the weekly post, of our Order, as also of the lords Order for their commissioners to come home. The party I sent, who was commended to me for a very honest man, should have been there on the Monday following, which he easily might have done, if he had been well; but on Friday last he was not come to Edinburgh, neither could he be heard of in all the road; so that we may justly fear some misfortune is befallen him; that he is knocked on the head, and his letters taken from him."

Upon this Report it was resolved, "That a conference be desired with the lords, concerning the security of the kingdom and parliament."—Resolved also, "That sir John Berkeley be sent prisoner to the Tower, and Daniel O'Neal to the Gatehouse."

The same day Mr. Pym reported the heads for the said conference, as follows: "That the committee, in the first place, do conceive, that the Letter from the committee be read (dated 14to Octobris) at the conference: and that this house hath taken into consideration, 1. That when there was a design, somewhat of the same nature, in this kingdom, to seduce the king's army to interrupt the parliament here, there was the like design at that time in Scotland. Next, the principal party named in that design in Scotland, is a person suspected to be popishly affected; and therefore may have correspondency with the like party here. 3. That it hath been published here lately, that some things were to be done there, in Scotland, before it broke out there; therefore we may suspect some correspondency here: so, upon these grounds, to propound, 1. That a strong guard be kept in the city of Westminster and London. 2. That care be taken for the future for the defence of the whole kingdom: but this in general. Next, that these two gentlemen, sir John Berkeley and serjeant-major O'Neal, did come in during the recess; and that the one is committed to the Tower, and the other to the Gatehouse: and therefore to desire their lordships that they may be examined, according to the former manner for the examination of the other parties accused for the same crime, by the committee of the lords appointed for that purpose. Next, to let them know the garrison of Carlisle is totally disbanded; and that, of the garrison of Berwick, there remaineth only 5 companies of foot, all the horse being disbanded: and to acquaint them with his majesty's direction, sent by secretary Vane for the stay of those soldiers: and that the money designed for that service, to disband that garrison, was proportioned only until 15to Octobris: that the commonwealth should be at no further charge concerning the same, either for the men or shipping that are to stay there still; order being taken, and money sent down, for their disbanding 15to Octobris, according to the Treaty."

Oct. 21. The commons resolved, "That another head of the foregoing conference shall be, To move that an express messenger be sent to the committees of both houses in Scotland, to let them know, that the parliament takes well their advertisement; and that they conceive the peace of that kingdom concerns the good of this kingdom; and that, if there be any tumult to oppose the acts confirmed by both kingdoms, and his majesty will command any assistance to suppress them, both houses will be ready to maintain his majesty in his greatness, and to suppress those that are disturbers of the peace."

The Heads thus prepared for a conference, were afterwards communicated to the lords, who were very sensible of the matters to them reported; and, speedily taking the same into consideration, agreed to all the proposals made by the commons.

Bill to disable the Clergy from exercising any Temporal Jurisdiction.] Oct. 23. A bill 'For disabling all persons in Holy Orders to exercise any Temporal Jurisdiction or Authority,' was passed and sent up to the lords by sir Gilbert Gerrard, with a desire that it might be proceeded in with all expedition. The following is a copy of this extraordinary bill:—"Whereas Bishops, and other persons in Holy Orders, ought not to be intangled with secular jurisdiction, the office of the ministry being of such great importance that it will take up the whole man: and for that it is found, by long experience, that their intermeddling with secular jurisdiction hath occasioned great mischief and scandal both to church and state; his majesty, out of his religious care of the church, and the souls of his people, is graciously pleased, that it may be enacted, and, by the authority of these presents, be it enacted, That no Archbishops or Bishops, or any other person that now is, or hereafter shall be, in Holy Orders, shall, at any time after the 10th day of Nov. 1641, have any suffrage or vote, or use or execute any power or authority, in the parliament of this realm, nor shall be of the privy council of his majesty, his heirs or successors, or justices of the peace of oyer and

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terminer, or goal delivery, or execute any temporal authority, by virtue of any commission; but shall be wholly disabled and be incapable to have, receive, use, or execute any of the said offices, places, powers, authorities, and things aforesaid. And be it further enacted, That, from and after the said 10th day of Nov. all acts which shall be done by any archbishops or bishops, or other persons whatsoever in Holy Orders, and all and every suffrage or vote given or delivered by them, or any other thing done by them, or any of them, contrary to the purport and true meaning of this present act, shall be utterly void to all intents, constructions, and purposes."

Tumults and Disorders.] Great mutinies and disorders were now on foot by the disbanded soldiers, who came in companies to the parliament house, and demanded their pay. The Trained Bands of Westminster attended all day in arms, in the Palace-yard, till both houses rose. Afterwards they received directions from the earl of Essex, lord-general in the king's absence, to divide their company into two parts, to the end that 100 might attend for the day, and be relieved by the like number at night. Many Orders are in the Journals of both houses about quieting the disbanded troops.

The King's Letter from Edinburgh.] Oct. 26. The lord keeper signified to the lords, that he had received a Letter from the king, written all with his own hand, which he read in hæc verba:—"My lord keeper; Since that, by the necessity of my affairs, I am detained here so long, that I cannot be down at the sitting of the parliament; I have thought fit, by these lines, to direct you to let both houses know, in my name, that as this my long absence is beyond my expectation, so it is against my desire; and that I will make all the diligence that the weightiness of these affairs will possibly permit to return; and so I rest your assured friend, "CHARLES R.

"*Edinburgh, Oct.* 20, 1641."

Proceedings against Judge Berkeley.] This day sir Robert Berkeley, one of the Judges of the King's-bench, was brought to the bar of the lords as a delinquent; when the lord keeper told him, "That he was now to hear the charge of High Treason, brought up against him by the house of commons, read; and that the lords expected his Answer thereunto." Which being read, he gave their lordships humble thanks for their justice in calling him to make his Answer; and acknowledged the justice of the house of commons, that they have desired he might make his Answer to their charge, and be proceeded against according to law. Withal, he made it his humble request to their lordships, that they would permit him a little time now, to speak somewhat to the particulars of the charge; and, having obtained leave of the house so to do, he made a long speech on the particular Articles of his Impeachment; and concluded, that he is not guilty in manner or form as was laid against him in the said Impeachment. He then presented to the house the following Petition, humbly desiring their lordships to take the particulars into consideration:

"To the right hon. the Lords assembled in Parliament, the humble PETITION of Sir ROBERT BERKELEY, knight, one of the Judges of his Majesty's Court of King's Bench.

"Your lordships having, as your petitioner conceiveth, appointed the 2nd of Nov. next for his trial, he most humbly prayeth, that your lordships would be pleased to grant unto him your lordships present warrant for such Witnesses as he shall have cause to use at his trial. That your lordships would be pleased to admit, and, if need be, to assign him counsel, for his necessary defence, in point of law, which may happen upon the matter of High Treason, of which he is impeached; and, in point of law and facts, upon the matters and misdemeanors, of which he is also impeached. That for the few days, till the time of his trial, he may remain in custody of the sheriff of London, where he hath been a true prisoner near three quarters of a year; in whose house all his collections and papers are for his defence: and that he may have your lordships licence to go, with a keeper, to Serjeants'-inn, to look out some papers which he hath there, and shall have occasion to produce at his trial; as also there to confer or advise with such counsel, as your lordship shall think fit to admit or assign unto him. And your petitioner, &c. "ROBERT BERKELEY."

Hereunto were added the names of 8 lawyers to be assigned as counsel to the petitioner; but, before the lords gave any answer to it, it was first carried, That the bishops should not be present in the debate on the matter of High Treason, in this cause, but for misdemeanor only they were to be admitted. After which, every Article which the Judge had petitioned for, was granted him; and a message agreed upon to be sent down to the Commons, that he had pleaded Not Guilty to their Impeachment.—Two days after, this trial was, at the instance of the house of commons, for want of witnesses, put off by the lords to an unlimited time.*

A Conference concerning the 13 *Bishops, and a Bill for taking away the Votes of their whole Order.*] This day it was resolved by the commons, to have a conference with the lords concerning the Sequestering the 13 Bishops, accu-

* Whitlocke says, "That Sir Robert Berkeley was a very learned man in our laws, a good orator and judge, and moderate in his ways, except his desires of the court-favour: that he redeemed himself, afterwards, by supplying the parliament's occasions with ten thousand pounds, and ended his days in a private retirement; yet not without considerable gains by his chamber practice, and left a plentiful fortune to his family." Memorials, p. 39.

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sed by them, from their Votes in parliament. Likewise to desire their lordships to sequester the rest of the bishops from their votes, upon the particular bill sent from that house, for the taking away of all their votes in parliament. A select committee was named and ordered to prepare Heads for this Conference.

Oct. 27. The lord privy-seal reported the conference yesterday with the house of commons concerning Bishops, as follows:

"Mr. *Pym* declared, from the house of commons, that there is nothing of greater importance to the safety and good of the kingdom, than that this high court of parliament, which is the fountain of justice and government, should be kept pure and uncorrupted, free from partiality and by-respects: this will not only add lustre and reputation, but strength and authority to all our actions. Herein, he said, your lordships are especially interested, as you are a third estate by inheritance and birthright; so the commons are publickly interested by representation of the whole body of the commons of this kingdom, whose lives, fortunes, and liberties are deposited under the custody and trust of the parliament. He said, The Commons have commanded him, and his colleague, Mr. Solicitor-General, to present to your lordships two Propositions, which they thought very necessary to be observed and put in execution at this time: 1. That the 13 Bishops, which stand accused before your lordships for making the late pretended Canons and Constitutions, may be excluded from their votes in parliament. 2. That all the Bishops may be suspended from their votes upon that bill intitled, 'An Act to disable all persons in Holy Orders to exercise any Jurisdiction or Authority Temporal.' The 1st of these was committed to his charge, and he said, he was commanded to support it with 3 reasons. 1st. 'That the 13 Bishops have broken that trust to which every member of parliament is obliged; which trust is to maintain, 1. The prerogative of the king, 2. The privilege of parliaments. 3. The property of the subject. 4. The peace of the kingdom. And this trust they have broken, not by one transient act, but by setting up Canons in nature of laws, to bind the kingdom for ever.—That the Canons are of this nature appears by the votes of both houses; and that they were all parties to the making thereof, appears by the Acts of that Synod. The book itself the commons cannot tender to your lordships, because they sent for it, but he that hath the book in custody was out of town; but a member of their own house, upon view of it, is ready to depose, That their names were entered among those that did subscribe to it.—Wherefore the house of commons desire your lordships, in the first place, to consider Whether they that take to themselves a legislative power, destructive to parliaments, be fit to exercise that power of making laws, which only belongs to the parliament. 2dly, Whether it be safe for the commonwealth, that they should be trusted with making laws, who, as much as in them lay, have endeavoured to deprive the subject of those good laws which are already made. A third reason is this, That they stand accused of crimes very heinous; that is, of sedition, and of subversion of the laws of the kingdom. This will easily appear in the nature of the canons themselves, as also by the votes to which your lordships and the commons have already agreed. [Here the Votes of both houses were read by Mr. Goodwin.] For the second Proposition, he said, That should be handled by one that will do it with more advantage of reason and learning than he could do, therefore he would leave to it him."

Then Mr. *Solicitor General* (St. John) informed their lordships, "That the excluding of the Bishops from votes in parliament was not of so general consequence, as that, by it, the whole clergy of England were excluded. The first reason he offered was this, That the Bishops did not vote for the whole clergy; for that if it should be so, then the clergy of England would be twice represented and twice voted for in parliament. 1. This appears by all the antient writs of Summons; which, till of late, were to this effect: a writ of Summons went to the bishop commanding him summonire all the clergy of his diocese to appear by proxies of their chusing. What to do? 'Ad consentiendum iis quæ de communi concilio regni ordinari contigerit.' So that if the bishops do represent the clergy, then the clergy are twice represented; first by the proctors, and again by the bishops. Now, although the form of the writs be altered, yet the reason holds, and still remains. 2 'If they vote for the clergy, then they are to be elected by the clergy, as the members of the commons house now are; but your lordships, voting only for yourselves, need no election. 3. If they voted for the clergy as a third estate, then it would follow that no act of parliament could be good where they did dissent; but many acts of parliament are passed, where all the clergy dissented: and the last, he said, that came to his memory, was the statute of 1 Eliz. establishing the Book of Common Prayer, to which all the bishops did disassent. The entry in the roll is, 'Disentientibus Episcopis'; and yet that statute is holden for a good law to this day. This was offered to shew, That it might not be conceived, that the denying the bishops to have votes in this bill now before your lordships, was of such general influence as to take from the clergy any interest or privileges that formerly belonged to them. In the second place, he said, He was to present the sense of the whole house of commons to your lordships, That the prelates have not so absolute a right of peerage for voting in parliament, as the temporal lords have out of parliament. This appears by that instance of highest consequence, that they are not triable by their peers for their lives, but by an ordinary jury. In parliament they have no vote in judgment of blood, life, or member: but if their peerage were so inherent in them as it is

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in the temporal peers, no ecclesiastical canons could take it from them. Besides, in point of right, it hath been resolved by all the judges of England, 7 Hen. 8. in Keilway's Reports, 'That the king may hold his parliament by the lords temporal and commons, without calling of the bishops; and that, upon several occasions, especially concerning the Pope or themselves, the Bishops have been excluded, and their votes not admitted herein.' He said, he was commanded to offer some precedents to your lordships upon the sudden. In the parliament of 25 Edw. I. the Bishops refused to join with the lords and commons in granting of Subsidies for the good of the kingdom. This was holden at Bury; and, excluso Clero, many acts were then made, never since questioned. In 35 Edw. I. at the parliament at Carlisle, divers petitions were there exhibited by the commons concerning the prelates and lord abbots, for oppressing the poor clergy; and several acts were made for their relief: But by whom? by the king, earls, barons and other nobles, and the commons only. Now, in respect the several ranks of the nobility are named, it is evident the bishops did not consent; because that, in all other acts where they do consent, they are particularly named. And if it be objected, 'That they might be there and might give a negative, and therefore were not named among them that did consent;' it appears, that habito Tractatu cum Comitibus, Baronibus, & cæteris Communitatibus, the king did enact those things, and never called the Bishops to the debate: This appears in the Parliament-Roll.—In 20 Edw. 3. the commons petition that no allowance be made to the cardinals that had been in France for treating of peace: In the roll it is thus entered, 'Assented unto as reasonable by the dukes, earls, barons, and other the lay gentz,' without ever naming the bishops. Now these words 'other lay gentz,' shew that the bishops were none of the number that voted in that law. And it is to be noted, That in acts, where the particular ranks are set down, none of the temporal ranks have ever been omitted; and if the spiritualty had voted, they should have been named, though in vote they had dissented. Eodem Anno, there being two other several acts made upon petitions of the commons, the one against Provisions as to some cardinals, and the other to restrain the carrying of money to Rome; the answer is made as before, by the dukes, earls, barons, and commonalty, never mentioning the lords spiritual. In 3 Rd. 2. cap. 3. and 7 Rd. 2. cap. 12. there are, in print, acts made by the king and lords temporal only, without the lords spiritual. The statute of 7 Rd. 2. recites the former statute of 3 Rd. 2. which said, 'Our lord the king by the advice and common assent of all the lords temporal, and commons being in this parliament assembled, hath ordained', ut sequitur in the act. And these acts made by the king, the lords temporal and commons only, were upon the clamorous complaints of the commons, about the giving of the benefices of England to strangers and others, who never were resident upon their benefices."

This Report being made, the lords took the same into consideration; and, for the better debate thereof, the house was adjourned into a committee during pleasure. And the question being put, Whether those 13 Bishops, that are impeached of crimes from the house of commons, should be suspended from their votes in that house, whilst they stand recti in curia? a long debate ensued; which ended with an order, "That the further consideration of this matter, and the Exclusion-Bill, should be referred to the 10th of Nov."

Oct. 28. A select committee of the commons was chosen to prepare, out of the whole debate which happened this day, a Petition to be presented to his majesty, To prevent the mischiefs that may happen to the commonwealth, by the choice and employment of evil counsellors, ambassadors, judges, officers, and other ministers of state.

Mr. Smith's Speech concerning the Distractions of the Times.] We meet with the following speech in the house of commons, made by one Mr. *Smith*, dated as this day, occasioned by the distracted State of these Times:* 'Mr. Speaker, The last time we assembled we sat like a college of physicians, upon the life and death of three great patients, whose bleeding hearts lay prostrate before us, and were arrived at that critical minute, either to receive relief or eternal destruction. The three unfortunate nations were presented to us in all their distractions; and grown to such a superlative height in their miseries, that, like nursing-mothers bereaved of their tender infants, they were careless of what might happen to them, Quia perdiderant libertates. These three kingdoms, whose peace and amity filled the remaining World with envy and emulation; and were like that happy trinity of faith, hope, and charity, in a perfect union; had but now their swords edged to each other's confusion. O, Scelus hominum; Height of impiety? Καὶ σὺ τέκνον! said Cæsar in the senate: It was not his death that grieved him, but that his son should advance his hand to his slaughter. How many sons and Nero's had we, whose earnest endeavours were to rip up their mother's womb, and, like vipers, eat through her bowels, and to lay desolate their father's house!

'Quis talia fando,
Temperet à lachrymis?'—

And yet all this had been but a prologue to our Tragedy, had not God Almighty been pleased to interpose his hand; to have been a pillar of fire betwixt us and our captivity, and to have wrought our deliverance by his great instrument the parliament; whose constant labour it hath been, for this year past, to create

* It is intitled, 'An honourable Speech in Parliament, Oct. 28, 1641, by Master Smith of the Middle Temple. Printed for William Lowndes.'

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a true understanding and firm peace between the nations; which I hope is so accomplished, that it is not in the power of the devil, or all his works, ever to dissolve it. This, I say, was the work of our last sitting. Give me leave now, sir, I beseech you, to deliver what I conceive convenient to be of this; 1. To give God his due. 2. To establish the Rights between king and people. And, 3. To compose things amongst ourselves.—That first, we may give God his due, we must advance his worship, and compel obedience to his commands, wherein he hath been so much neglected. Honour and riches have been set up for gods, in competition with him: Idolatry and superstition have been introduced, even into his house; the church and he expulsed: his name hath been blasphemed, and his day prophaned, by the authority of that unlawful Book of Sports; and those, who would not tremble thus to dishonour God, would not scruple to do it to their parents, or injure their neighbours, either by murder of them, or by adultery, David's great crimes. They have not only robbed God of his honour, but men of their estates, and part of themselves; members and ears having been set to sale, even to the deforming that creature whom God had honoured with his own Image. That they might colour this their wickedness, perjury and false testimony have been more frequent with them than their prayers: and all this proceeded out of an inordinate desire of that which was their neighbour's; and thus God, in all his commandments, hath been abused. Can we then wonder at his judgments, or think he could do less than he hath done to right himself upon such a rebellious people?—I beseech you, Sir, let us do something to seat him in his throne, and worship him all with one mind; and not that every one shall go to God a way by himself. This uncertainty staggers the unresolved soul, and leads it into such a labyrinth, that, not knowing where to fix, for fear of erring, it adheres to no way; so it dies ere it performs that for which it was made to live. Uniformity in his worship is that which pleaseth him; and, if we will thus serve him, we may expect protection from him,—The next thing that I conceive fit to be considered, is, 'To cause the rights both of the king and people truly to be understood.' And, in this, to give that authority to the prerogative which legally it hath, and to uphold the subjects liberty from being minced into servitude.—That the king should have a prerogative, is necessary for his honour, it distinguishes him from his people; but, if it swells too high, and makes an inundation upon his subjects liberty, 'tis no longer then to be stiled by that name. The privilege of the subject' is likewise for his majesty's honour. King David gloried in the number of his people; and queen Elizabeth delivered, in a speech in parliament. 'That the greatness of a prince consisteth in the riches of his subjects;' intimating, That then they stood like lofty cedars about him, to defend him from the storms of the world; and there were ample demonstrations of this in that renowned queen's reign. But what encouragement can they have, either to increase their numbers or estates, unless they may have protection both for themselves and estates? Therefore the privilege and greatness of the subject are, relatively, for the honour of the prince.—Prerogative and liberty are both necessary to this kingdom; and, like the sun and moon, give a lustre to this benighted nation, so long as they walk at their equal distances: but when one of them shall venture into the other's orb, like those planets in conjunction, they then cause a deeper eclipse: what shall be the compass then by which these two must steer? Why, nothing but the same by which they subsist, the law; which, if it might run in the free current of its purity, without being poisoned by the venomous spirits of ill-affected dispositions, would so fix the king to his crown, that it would make him stand like a star in the firmament, for the neighbour-world to behold and tremble at.—That they may be the better acted, I shall humbly desire, that, after so many times, that great Charter, the Light of the Law, may be reviewed; the Liberty of the Subject explained, and be once more confirmed; Penalties imposed on the breakers; and let him die with the bargain that dares attempt the act.—The last thing that falls into consideration, is, 'To set things right amongst ourselves, the subjects of England.' And, in this, so to provide, that the Mecænas's of the times may not, like great jacks in a pool, devour their inferiors, and make poverty a pavement for themselves to trample on. This hath been a burthen we have long groaned under; for if a great one did but say the word, it was sufficient to evict my right, even from my own Inheritance. They had both law and justice so in a string, that they could command them with a nod; and thus people have been disinherited of their common right, the law, which is as due to them as the air they breathe in.—On the other side, we must take care, that the common people may not carve themselves out justice, by their multitudes. Of this we have too frequent experience, by their breaking down inclosures, and by raising other tumults to as ill purposes; which if they be not suddenly suppressed, to how desperate an issue this may grow, I will leave to your better judgments. My humble motion, therefore, is, That an intimation may go forth into the country, to wish those that are injured to resort to the courts of law; and, if there they fail of justice, in parliament they may be confident to receive it.'

Oct. 29. At this time there being a vacancy, in the church, of 5 Bishops Sees; and the king purposing to fill them up at his return, a motion was made in the commons, That a conference should be had with the lords, to desire them to join with that house in a Petition to his majesty, to stay the making of these 5 Bishops, until further consideration be had with both houses about it. A debate arising on this, the house divided; when it was carried for a

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conference, 71; against it, 53; and a committee was appointed accordingly.

Conference concerning the Safety of the Prince, &c.] Oct. 30. The house of commons sent up a message to the lords to desire a present conference touching the Safety of the kingdom, and the Security of the Prince's Person. The lords agreed to this conference; and, being returned from it, the lord keeper reported the substance of it to the lords, to this effect:

"That the house of commons were full of tenderness for the king's honour, and duty to the king's person and his posterity. It was said, that it was no news now-a-days, to hear of dangerous designs, therefore the house of commons have reason to look into every corner whence danger may come. And, upon information, that house understands that the Prince, of late, hath been much from his house, at Oatlands, out of the custody of his governor. They do not doubt of the motherly affection and care of the queen towards him; but there are dangerous persons at Oatlands, Priests and Jesuits, as hath of late appeared by some examinations taken; and that some of them were sent for by the house of commons. Upon these reasons that house desires that a message may be sent to the marquis of Hertford, from both houses, that he would, forthwith, take the Prince into his custody and charge, and attend upon him in person; and to desire that the prince would make his ordinary abode and residence at his own house, at Richmond; and that his lordship would place such persons about him as he will be answerable for to both houses."

Hereupon the lords, taking this Report into consideration, resolved to send the marquis of Hertford and the earl of Holland, to acquaint the Queen with it, and present to her majesty the Reasons aforesaid for it. They then made the following order; which was agreed to by the commons, and sent to the marquis:

"The desire of both houses of parliament is, That the lord marquis of Hertford, governor to the prince, will take care that his ordinary residence and abode be at his own house; and that no such person, as may give cause of distrust of meddling with him, either in any point against his religion, or against the security of his person, be admitted about him; and, to this purpose, that the said marquis do diligently attend him in person; and this care both houses expect that his lordship will take, as he will answer it to the king and kingdom."

The Queen returned for Answer, "That she gave the parliament thanks for their care of her son. The occasion why she sent for him, was to celebrate the birth-day of one of his sisters; but that he should be presently sent back to Richmond." And added, "That she made no doubt but, at the king's return, the parliament would express the same care of his majesty's honour and safety."

A Committee of Lords acquaint the Commons with the Rebellion in Ireland.] Nov. 1. This day the lord keeper, the lord privy seal, the earl marshal, the lord admiral, the lord chamberlain, the earls of Bath, Dorset, Leicester, Warwick, Holland, Berks, and Bristol, with the lords Say and Sele, Mandeville, Goring, and Wilmot, all lords of the privy council, came into the house of commons, and informed the members of certain Intelligences which were lately come, of a great Treason and general Rebellion of the Papists in Ireland, and a design of cutting off all the Protestants there, and seizing of all the forts in that kingdom. The Letters and Examinations that expressed the nature of these Treasons, were all read publicly in the house, in presence of the said lords, who had chairs set on purpose for them; and after they had been there a little while, Mr. Speaker desired them to sit and be covered. These Letters and Examinations are entered at length in the Lords Journals for this day: but as they are too long for our purpose, we shall omit them; and only give the Resolutions of the commons on this important occasion:—On the lords withdrawing, the commons went immediately into a committee to take this affair into consideration, and to provide for the safety of both kingdoms; and, after some time spent therein it was resolved, "That 50,000*l.* be forthwith provided: that a conference be desired with the lords, to move them, that a select committe of both houses may be appointed to go to the city of London, and acquaint them with the business in Ireland: and that the lending of money at this time will be an acceptable service to the common-wealth: to propose unto them the loan of 50,000*l.* and assure them that they shall be secured, both for principal and interest, by act of parliament. That another head of this conference shall be to desire the lords, that a select committee of both houses may be named, to consider of the Affairs of Ireland, and of the raising and sending of men and ammunition thither from hence: a Declaration of both houses to be sent into Ireland; and that this committee may have power to open such packets as come from thence, or go from hence thither. That Owen Conelly, who discovered the great Treason in Ireland, shall have 500*l.* presently paid him, and 200*l.* per annum, pension, until provision may be made of Inheritance, of greater value; and to be recommended to the lord lieutenant there for some preferment. That the persons of Papists of quality may be secured, in the several counties of this kingdom where they reside; and that such English Papists as have, within one year last past, removed themselves into Ireland, except such persons as have antient estates and habitations there, may, by proclamation, be recalled, within one month after the publication of it in that kingdom; or else some course be taken, by act of parliament, to sequester their estates."—There were some other Resolutions made, relating to the dissolution of the Capuchin House in the Strand: to desire that the Ambassadors may be sent to, to deliver up such Priests, as are the king's subjects, in their houses: that a list may be

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brought in of the queen's Priests, and other her servants, with those of the Prince, and all such as are about the king's children. A Proclamation, commanding all strangers, that are not Protestants, to deliver in tickets of their names, within two days, or else to depart the kingdom. All Inn-keepers, and others that entertain lodgers, to give in tickets of the names of all such as lodge in their houses, to the lord mayor and aldermen of London, or to the next justices of peace in Middlesex, &c. All which Resolutions were agreed to by the lords at the conference.

A Member expelled for selling Protections.] Nov. 2. The commons expelled Mr. Henry Benson, member for Knaresbrough, for granting and selling Protections, and a writ was ordered to chuse a new member in his room.

Proceedings relating to the Irish Rebellion.] Nov. 3. Several Orders were made, by both houses, relating to the Irish Rebellion, and a Letter ordered to be written to the king in Scotland, pressing his speedy return to this kingdom. The houses meet with some reluctancy, in the city of London, concerning the Loan of 50,000*l.* as demanded. The commons order 20,000*l.* to be forthwith had out of the ready money in the treasury; and vote that 6000 foot and 2000 horse, be speedily raised and transported into Ireland: that a convenient number of ships shall be provided to guard the Irish coasts; and that magazines of victuals, &c. shall be placed in the several ports of this kingdom, ready for transporting to Ireland; with other articles of the like nature: to all which the lords agreed.

Instructions from the Parliament to their Commissioners in Scotland.] Nov. 10. The commons went upon two great points, the framing of new Instructions to be sent to their Commissioners in Scotland, and preparing a Declaration, or Remonstrance, of the State of the kingdom. The latter of these was read the first time, in the commons, the day before; when several more Grievances were given in, and ordered to be added to it: and the Instructions were reported to the house of lords as follows:

I. You shall humbly inform his majesty, that the Propositions made to the parliament of Scotland, concerning their assistance for suppressing the Rebellion in Ireland, hath been fully considered and debated by both houses of parliament here; and their wise and brotherly expressions and proceedings are apprehended and entertained here by us, not only with approbation, but with thankfulness: wherefore we desire that his majesty will be pleased, that you, in the name of the lords and commons of England, give public thanks to the states of the parliament of Scotland, for their care and readiness to employ the forces of that kingdom for the reducing the rebellious subjects of Ireland to their due obedience to his majesty and the crown of England. II. You shall further make known to his majesty, that (in the great and almost universal revolt of the natives of Ireland, cherished and fomented, as we have cause to fear, by the secret practices and encouragements of some foreign states, ill affected to this crown; and, that the Northern parts of that kingdom may with much more ease and speed be supplied from Scotland than from England) we humbly desire and beseech his majesty to make use of the assistance of his parliament and subjects of Scotland, for the present relief of those parts of Ireland which lie nearest to them; according to the Treaty agreed upon, and confirmed in both parliaments, and their affectionate and friendly disposition now lately expressed, as is more particularly specified in the 5th Article. III. You shall present to his majesty the Copy inclosed of the Declaration, which we have sent into Ireland, for the encouragement of his good subjects there, and for the more speedy and effectual opposing of the rebels; and, in execution and performance of our expressions, therein made, of zeal and faithfulness to his majesty's service, we have already taken care for 50,000*l.* to be presently borrowed and secured by parliament: we have likewise resolved to hasten the earl of Leicester, lord lieutenant of Ireland, very speedily to repair thither; and forthwith to raise a convenient number of horse and foot, for securing Dublin and the English pale, with such other parts as remain in his majesty's subjection, intending to second them with a far greater supply. IV. We have further ordered and directed, That his majesty's arms and munition lying in the city of Carlisle, shall be transported into the north parts of Ireland, for the supply of Carrickfergus, and other his majesty's forts and garrisons there; and that a convenient number of men shall be sent from the north parts of England, for the better guard and defence of those forts and countries adjoining; and that a large proportion of arms and other munition shall be speedily conveyed, out of his majesty's stores, to West-Chester, to be disposed of according to the direction of the lord lieutenant of Ireland, for arming the men to be sent from England, and such other of his majesty's loyal subjects as may be raised in Ireland. V. And, because we understand that the rebels are like, with great strength, to attempt the ruin and destruction of the British plantation in Ulster; we humbly advise his majesty, by the counsel and authority of his parliament in Scotland, to provide, that one regiment, consisting of 1000 men, furnished and accomplished with all necessary arms and munition, as shall seem best to their great wisdoms and experience, may, with all possible speed, be transported into Ireland; under the command of some worthy person, well affected to the reformed religion, and the peace of both kingdoms, and well enabled with skill, judgment, and reputation for such an employment; which forces we desire may be quartered in those Northern parts for the opposing of the rebels, and comfort and assistance of his majesty's good subjects there; with instructions from his majesty and

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the parliament of Scotland, that they shall, upon all occasions, pursue and observe the directions of the lord lieutenant, his lieut. general, or the governor of Ireland, according to their authority derived from his majesty and the crown of England. VI. And, as touching the wages and other charges needful, which this assistance will require, we would have you, in our name, to beseech his majesty to commend it to our brethren, the estates of the parliament of Scotland, to take it into their care, on the behalf of his majesty and this kingdom, to make such agreements with all the commanders and soldiers to be employed, as they would do in the like case for themselves; and to let them know, for our parts, we do wholly rely upon their honourable and friendly dealing with us, and will take care that satisfaction be made accordingly. VII. You shall represent to his majesty this our humble and faithful Declaration, that we cannot, without much grief, remember the great miseries, burthens, and distempers which have, for divers years, afflicted all his kingdoms and dominions, and brought them to the last point of ruin and destruction; all which have issued from the cunning, false, and malicious practices of some of those who have been admitted into very near places of counsel and authority about him; who have been favourers of popery, superstition, and innovation; subverters of religion, honour, and justice; factors for promoting the designs of foreign princes and states, to the great and apparent danger of his royal person, crown, and dignity, and of all his people; authors of false scandals and jealousies betwixt his majesty and his loyal subjects; enemies to the peace, union and confidence between him and his parliament, which is the surest foundation of prosperity and greatness to his majesty, and of comfort and hope to them: that, by their counsels and endeavours, those great sums which have been lately drawn from the people, have been either consumed unprofitably, or in the maintenance of such designs as have been mischievous and destructive to the state; and whilst we have been labouring to support his majesty, to purge out the corruptions, and restore the decays both of church and state; others, of their faction and party, have been contriving, by violence and force, to suppress the liberty of parliament, and endanger the safety of those who have opposed such wicked and pernicious courses. VIII. That we have just cause to believe, that those conspiracies and commotions in Ireland, are but the effects of the same counsels; and if persons of such aims and conditions shall still continue in credit, authority, and employment, the great aids which we shall be enforced to draw from his people, for subduing the Rebellion in Ireland, will be applied to the fomenting and cherishing of it there, and encouraging some such like attempt by the Papists and ill-affected-subjects in England; and, in the end, to the subversion of religion, and destruction of his loyal subjects in both kingdoms; and do therefore most humbly beseech his majesty, to change those counsels from which such ill courses have proceeded, and which have caused so many miseries and dangers to himself and all his dominions; and that he will be graciously pleased to employ such counsels and ministers, as shall be approved of by his parliament, who are his greatest and most faithful council; that so his people may, with courage and confidence, undergo the charge and hazard of this war; and, by their bounty and faithful endeavours, with God's blessing, restore to his majesty and this kingdom that honour, peace, safety, and prosperity, which they have enjoyed in former times.—And if herein his majesty shall not vouchsafe to condescend to our humble supplication, although we shall always continue, with reverence and faithfulness to his person and to his crown, to perform those duties of service and obedience, to which, by the laws of God and this kingdom, we are obliged; yet we shall be forced, in discharge of the trust which we owe to the state, and to those whom we represent, to resolve upon some such way of defending Ireland from the rebels, as may concur to the securing ourselves from such mischievous counsels and designs, as have lately been and still are in practice and agitation against us, as we have just cause to believe; and to commend those Aids and Contributions, which this great necessity shall require, to the custody and disposing of such persons of honour and fidelity as we have cause to confide in."

Mr. Pym's Speech, concerning the Danger of evil Counsels.] When these Instructions were read at the conference,

Mr. *Pym* proceeded in explaining to the lords the several steps, as they are there called, by which Evil Counsels become dangerous: 1. "That the Dangers which come to the state by ill Counsels, are the most pernicious of all others: and since it is usual to compare politic bodies with natural: the natural body is in danger divers ways, either by outward violence, that may be foreseen and prevented; or else, by less appearing maladies which grow upon the body by distempers of the air, immoderate exercise, diet, &c. and when the causes of the disease are clear, the remedy is easily applied; but diseases which proceed from the inward parts, as the livers, the heart, or the brains, the more noble parts, it is a hard thing to apply a cure to such diseases. Ill counsels are of that nature; for the mischiefs that come by evil counsel corrupt the vital parts, and overthrow the public government.—2. That there have been lately, and still are, ill counsels in this kingdom, and about the king. That there have been lately, you will not doubt, when the main course of the government hath been so employed, as Popery thereby hath been maintained, the laws subverted, and no distinction between justice and injustice: and that there are ill counsels still, is apparent by the courses taken to advance mischievous designs; but that his majesty's wisdom and goodness kept

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them from the heart, though they were not kept out of the court: so most principal and mischievous designs have been practised by such as had near access unto his majesty, though not to his heart; and the apologists and promoters of ill counsel are still preferred.—3. The ill counsels of this time are, in their own nature, more mischievous and more dangerous than the ill counsels of former times: former counsels have been to please kings in their vices, from which our king is free, and sometimes for racking of the prerogative. If it had gone no further it had brought many miseries, but not ruin and destruction: but the ill counsels of this time are destructive to religion and laws, by altering them both; therefore more mischievous, in their own nature, than those of former times.—4. That these ill counsels have proceeded from a spirit and inclination to Popery; and have had a dependance on Popery, and all of them tend to it. The religion of the Papists is a religion incompatible with any other religion; destructive to all others, and doth not endure any thing that opposeth it. Whosoever doth withstand their religion, if they have power, they bring them to ruin. There are other religions that are not right, but not so destructive as Popery; for the principles of Popery are destructive of all states and persons that oppose it. With the progress of this mischievous counsel they provide counsellors, fit instruments and organs, that may execute their own designs; and so turn all counsels to their own ends: and you find, now in Ireland, that those designs, that have been upon all the three kingdoms, do end in a war, for the maintenance of Popery in Ireland, and would do the like here if they were able; so intent are they to turn all to their own advantage.—5. That unless these ill counsels be changed, it is impossible that any assistance, aid, or advice that the parliament can take to reform, will be effectual; for the public orders and laws are but dead, if not put in execution. Those that are the ministers of state put things into action; but if acted by evil men, and while these counsels are on foot, we can expect no good; it is like a disease that turns nutritives into poison. 6. That this is the most proper time to desire of his majesty the alteration and change of the evil Counsellors, because the common wealth is brought into distemper by them, and so exhausted that we can endure no longer. Another reason why we cannot admit of them, is, to shew our love and fidelity to the king in great and extraordinary contributions and aids. When God doth employ his servants, he doth give some promise to rouse up their spirits; and we have reason now to expect the king's grace in great abundance. This is the time wherein the subjects are to save the kingdom of Ireland, with the hazard of their lives and fortunes; and therefore expect it from his majesty in a more large and bountiful manner than at other times. A time of great agitation and action, their state being ready, by preparation, to annoy us, ill and false counsels at home may quickly bring us to ruin. As we have weakness at home, so we ought to discern the actions abroad, where great provisions are made: and a carelessness and improvidence herein, when our neighbours are so provided, and have great fleets at sea, will open a way to sudden ruin and destruction, before we can be prepared; and therefore it is now the fittest time to move the king.—7. and lastly, 'That this alteration of counsels will bring great advantages to the king in his own designs. In all our actions, our prayers to God should be, that his name may be glorified; so our petitions to his majesty should bring honour, profit, and advantage to him, by a discouragement to the rebels; a great part of their confidence resting in the evil counsels at home, as by the examinations appeareth. It will be a great encouragement to the king's good subjects at home, who hazard their lives, and give aid and contribution, to have things governed for the public good. It will make men afraid to prefer servants to the king that are ill counsellors, when they shall come to the examination of the parliament; for many times servants are preferred to princes for the advantage of foreign states. This will put an answer into the king's mouth against all importunities, That he is to prefer none, but such as will be approved of by parliament. Those that are honourable and most ingenuous are aptest to be troubled in this kind, and not to deny: therefore the king may answer, 'He hath promised his parliament not to admit of any, but by advice of parliament.' This will silence them all. These are domestick advantages: but it will also make us fitter to enter into union and treaty with foreign nations and states, and to be made partakers of the strength and assistance of others: it will fortify us against the designs of foreign princes. There hath been one common counsel at Rome and in Spain, to reduce us to Popery; if good counsel at home, we shall be the better prepared to preserve peace and union, and better respect from Ireland. It will also make us fit for any noble design abroad."

Sir W. Drake's Speech on the same Subject.] Previous to this Conference about evil Counsellors, &c. there had been a debate in the house of commons, this day, on the same subject, in which we find a speech of

Sir *William Drake*, member for Agmondesham, as follows: *'Mr. Speaker; If we consider those dangerous disturbances that this kingdom hath, of late years, laboured under, 'tis certain that, in a general and original consideration, we cannot but impute them to the wrath of God, for the sins of this nation; but, in a second and more particular consideration, we may properly ascribe them to the violent Counsels of some late ministers of state; who, either for want of counsel, or by malicious practice, have brought this state, from a happy, firm, and strong constitution, to so weak and

* London, printed by Wm. Lowndes, 1641.

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feeble a temper, that the great physician, the parliament, cannot, but with extreme difficulty, apply remedies fit and proportionable to the disease, without they inevitably run some hazard of endangering the body itself: it being very perilous to apply stronger remedies than the strength and constitution of the patient can well bear.—Mr. Speaker; you were truly told, by a grave and worthy member (Sir B. Rudyard) at the beginning of this parliament, That it must be some extreme necessity that would rectify and recover this state; and that when that extremity did come, it would be a great hazard whether it might prove a remedy or a ruin; because violent diseases do most commonly require violent remedies, and violent remedies are ordinarily pregnant of new mischiefs; which hath caused those states, best skilled in government, always to discern evil afar off in their causes; and, by their wisdom and foresight, to prevent them. I am confident, had we had frequent parliaments, we should have given a timely stop to mischiefs, and never have suffered them to have broken in upon us with such an inundation of distempers that, without divine prevention, may yet swallow us up.—Mr. Speaker; it is observed of the Roman Senate, a pattern of best government, so long as they held up their first virtue and valour, that, after a great defeat by Hannibal, their confederates began to forsake them. But Hiero, king of Sicily, having so piercing a judgment, that he could see through the present to the future; and observing the Romans still so considerate and constant in all their proceedings, even in this extreme exigency of their affairs; and that their laws were never more strictly observed by their magistrates, nor their people more obedient to their senate or parliament; and how their military discipline was never, likewise, more severely observed: this wise prince, seeing their foundations stood thus firm, sent them presents of great value; and corresponded with them in a stricter league of friendship than ever before: not unlike a good physician, who, seeing favourable symptoms in the strongest fit of his patient's disease, conceives firm hope of his perfect recovery.—Now Mr. Speaker, if we set before us an image or representation of those distempers we stand invironed withal, there could not possibly be that extreme danger in them, but that there might be good hopes of a speedy recovery; had we kept close and constant to those grounds of religion, laws and military discipline, which have been noted by the wisest legislators, to have been the main cause, next under God, of the strength and duration of a state.—But, sir, if we examine it, how have our very foundations been shaken? What superstition and innovations have been brought in upon our religion, of late times, by ambitious, heady, and passionate men? And from this fountain, originally, as I conceive, flows most part of our present distractions. Queen Elizabeth, of sacred and precious memory to this nation, keeping stedfast and constant to this ground of religion, kept this kingdom peaceable and united at home; afforded a comfortable influence and assistance to the Protestant parties abroad; and, after a long and happy reign went unto her eternal rest in Glory.—And truly, sir, I speak it with all humility, yet with some confidence, that I shall never expect to see the quiet settled state of this kingdom, till there be some course taken to settle Religion to some rule and uniformity; and not to be thus suffered in an uncertain condition, between illegal innovations and superstition on the one side, and I know not what lawless and irregular confusion on the other.—And let us all, I beseech you, calmly and seriously consider, how natural a motion it is to most men, not limited by some law, when they are come out of one extreme, wherein they have been held by fear, to run with as violent a course into another; from superstition and idolatry, to irreverence and contempt of God's publick worship and ordinances.—For our Laws, Mr. Speaker, how have they been violated by illegal taxations, imprisonments, monopolies, and other pressures, whereby the subject hath been prosecuted and grieved? But this is so obvious to every man's understanding and sense, that I shall not insist upon it.—Mr. Speaker, I come next to our Military Discipline; and how hath this ground of strength been shaken, partly by the loss of able and experienced commanders in fruitless, if not dangerous, attempts abroad; and partly by neglect, and not duly keeping up our musters at home?—Mr. Speaker, every man may lay it as lightly to heart as he pleases; but I shall be bold to tell you, that all the laws, that we have or shall make for the defence of our religion or liberties, without provident care in this particular, will be but like to sumptuous and glorious structures without roof or covering, subject to all weather and storms that shall arise; and whatever parliaments shall, with great wisdom and providence, plant for the good estate of future times, without due provisions for our Military Defence, may be soon cut down again by the violence and malice of a stronger sword.—Therefore, Mr. Speaker, as you have taken a provident care for the securing of the havens and port-towns, so I desire there may be timely consideration had of the inland strength of the kingdom; and that musters, in all counties of the kingdom, be carefully (especially in these perilous times) kept up; and that care be taken that every county may have a sufficient proportion of powder, and other provision, for their necessary defence. That all commands may rest in faithful hands; and that certificates of the true state of all things, how they stand for defence, may, from time to time be sent either to the council of war you appoint for Ireland, or to any other whom the parliament shall think meet; and thereupon to take order, from time to time, to supply all defects, as well of captains, as of munition, powder, and other necessaries.—Mr. Speaker, this point is more

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timely to be had in consideration, because our perils will increase, as foreign states settle and compose their affairs to their best advantage: and therefore I shall desire that our quietness may not rest any longer upon so tickle a ground as the unquietness of our neighbour kingdoms; for no state stands firm and secure, but upon its own foundations.—There is one thing more with which I will conclude; and I shall humbly represent it as, in my weak opinion, a great cause of our growing distemper: this is the abundance of humours we have stirred, and not purged away, which are but fit fuel for fresh fire to take hold of, if it should burst forth; therefore as there be great numbers in this state, 'Qui pænâ, à calamitate publica, impunitatem sibi spondent,' I shall make it my humble motion and desire, That we make severe examples of some few of the most capital offenders; and either pardon the meaner delinquents, if justice will admit thereof, or at least to let them, in some reasonable time, know what they may trust to; otherwise as many as look desperately upon their own fortunes, will be too ready to give their vote for troubles, and seek their own peace in the public disturbance: the number of whom, as I conceive, should be warily prevented, especially in these times of increasing distraction.—Sir, I have troubled you too long; and am not so inconsiderate but to object to myself, that some things are of more instant and present consideration than any thing I have touched upon; as your sending provisions for Ireland: but I desire, as those affairs are in some measure settled in a way, we may timely apply ourselves to the root and causes of our distempers; begin with those of most importance; and so proceed with them to effect.'

Progress of the Rebellion in Ireland.] Nov. 11. This day a Letter was read in the lords, from the Council of Ireland, shewing, That the Protestants there would be utterly destroyed, and that kingdom cut off from the crown of England, if present supply of men, ammunition and money were not sent from hence: that the rebels proceeded in their rebellion, and had seized on the houses, estates and persons of divers men and women of good quality, and have murdered many: that they are gathered, in several parts of Ireland, to the number of 30,000, and threaten that they will not leave an English Protestant there; and that they will not lay down their arms, until an act of parliament be passed for freedom of their religion: that the Council desire a speedy Supply of 10,000 men with arms, and 100,000*l.* in money.

Nov. 12. Several Resolutions were passed, in both houses, on this intelligence; the number of forces to be sent were augmented to 10,000 foot and 2000 horse; likewise the parliament of Scotland were to be desired to have in readiness 10,000 men more, to be transported to Ireland, on occasion. The letter from thence was ordered to be communicated to the city of London, and to be forthwith printed and published. The house of commons voted, that 200,000*l.* should be raised for the suppressing this Rebellion, for the security of this kingdom, and for the payment of debts.

The Impeached Bishops put in their Plea.] The same day the commons received a message from the lords, importing, That this being the day for the 13 Bishops to give in Answers to their Impeachment, 12 of them had given in a plea and a demurrer; but that Godfrey, bishop of Gloucester, had pleaded not guilty, in modo & forma.

The Londoners agree to lend Money on certain Conditions.] Nov. 13. A Report was made to the commons, "That the committee, appointed to go to the city, found a great deal of readiness in them to lend money, on the security offered: but before they did lend any, they humbly proposed, 1st, That the money should be paid as soon as the act was passed. 2dly, That, by reason of the privileges of the members of both houses, and the protections granted, especially by the lords, a vast sum of money is detained from them; so that trade cannot be driven, nor are they so able to lend money for the service of the commonwealth, as they desired. 3dly, They said they were sensible of the miseries of the Protestants in Ireland, and of the power of the Papists there; and therefore did press, with much earnestness, that the persons of the Papists lords, and other persons of quality here in England, might be secured; lest some design be in them here, as they have cause to fear. Next, That there were divers laws and good motions sent up to the lords, for the good of the church and commonwealth; and that the great impediment that they passed not there, was from the bishops; and they did conceive, That so long as their votes were in parliament it would be a hindrance to all good laws; and therefore desired further endeavours to take away their votes."

Mr. Serjeant Wylde reported from the committee appointed to examine into the plea and demurrer of the 12 Bishops, "That after a long debate and various opinions, they had at last concluded, that they were dilatory and insufficient; and that the 12 Bishops had made no Answer: therefore to desire the lords that the Bishops be ordered to put in a peremptory Answer, such as they will stand to."

Informations of Plots.] Nov. 15. The parliament was this day put in great consternation, by the Information of one Beal, a taylor, of a dangerous Plot of the Papists, against the lives of several members of both houses. The deposition of this man is, at length, in the Lords' Journals; and was so far believed, that all necessary precaution was taken to make a farther discovery and prevent the danger: but no persons being found that were named to be concerned in it, we hear no more of this matter.

Nov. 16. Other informations were sent up to the parliament from Cheshire and Lan-

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cashire, of the designs of the Papists in those counties. Upon all which, an ordinance of parliament for putting the Trained Bands of the kingdom in a posture of defence, was read and agreed to by both houses. An ordinance was also made to authorise the earl of Essex to be lord lieutenant on the south side Trent, and the earl of Holland on the north; and the house of commons, particularly, ordered a guard of halberts to be set in convenient places, for the security of their house.

Nov. 17. Several witnesses were examined before the commons, after which it was resolved, "That there is sufficient evidence for this house to believe, that there was a second design to bring up the Army against the Parliament, and an intention to make the Scots army stand neuter."

Debates in the Commons, concerning a Remonstrance on the State of the Kingdom.] Nov. 22. The commons fell briskly on their Declaration or Remonstrance. A long debate ensued on the keeping in, or leaving out, several clauses, expressions, and words in it; in which there were no less than four divisions of the house. In the two last of them, the question being put, Whether this Declaration, so amended, shall pass? it was carried, for passing 159, against 148. And, in another question, Whether the word 'published' should stand in the order for the not printing the Declaration, the Noes were 124, Yeas 101. But it was resolved, "That this Declaration shall not be printed without the particular order of this house."

We find a speech of sir Edward Dering's upon this occasion; who, though he had signalized himself against the court, in the beginning of this session, yet was equally zealous against this Declaration. This speech, being very long, and printed in Rushworth, Nalson, and sir Edward's own Collections*, we cursorily pass over to avoid prolixity: But the following passages are too remarkable to be omitted.

'Mr. Speaker; This Remonstrance, whensoever it passeth, will make such an impression, and leave such a character behind, both of his majesty, the people, the parliament, and of this present church and state, as no time shall ever eat out, whilst histories are written, and men have eyes to read them. How curious then ought we be, both in the matter and the form? Herein is a severe point of conscience to be tried; let us be sure that every particular substance be a truth; and let us clothe that truth with a free language, yet a modest and a sober language.—Mr. Speaker, this Remonstrance is, in some kind, greater and more extensive than an act of parliament: that reacheth only to England and Wales; but, in this, the three kingdoms will be your immediate supervisors: and the greatest part of Christendom will quickly borrow the glass to see our deformities therein; they will scan this work at leisure, which, I hope, we shall not shut up in haste. Some pieces here are of excellent use and worth: but what is that to me, if I may not have them without other parts that are both doubtful and dangerous? The matter, form, and final end of this Remonstrance, all of them do argue with me, not to remonstrate thus. When I first heard of a Remonstrance, I presently imagined that, like faithful counsellors, we should hold up a glass to his majesty: I did not dream we should remonstrate downwards, tell stories to the people, and talk of the king as of a third person. The use and end of such a Remonstrance, I understand not; at least I hope I do not.'—He then proceeds to the religious Grievances recited in the Declaration, vindicates several of the Bishops and Clergy by name, and concludes thus: 'I do beseech you all with the fervor of an earnest heart, a heart almost divided between hopes and fears, never to suffer diversion or diminution of the rents we have for learning and religion: but, besides the pulpit, let us maintain an universal militia of Theology, whereby we may be always ready and able (by strength of our own, within our own happy island at home) to stop the mouth of all errors and heresies that can arise. Never, never, let it be said that sacred learning (for such is that I plead for) shall, in one essential half thereof, be quite unprovided for in England. Sir, I have reason to be earnest in this: I see, I know, great designs drawing another way; and my fears are increased not cured by this Declaration. Thus I have done: and because I shall want champions for true Religion: because I neither look for cure of our complaints from the common people, nor do desire to be cured by them: because this house (as, under favour, I conceive) hath not recommended all the heads of this Remonstance to the committee which brought it in: because it is not true that the Bishops have commanded Idolatry: because I do not know any necessary good end and use of this Declaration, but do fear a bad one; and because we pass his majesty and do remonstrate to the people: I do here discharge my vote with a clear conscience, and must say *No* to this strange Remonstrance.'

Lord Clarendon's Account of the above Debate.] Lord Clarendon, who distinguished himself in this affair, under the name, then, of Mr. Hyde, has given us the following abstract of the debate upon it.—"It contained a very bitter representation of all the illegal things which had been done from the first hour of the king's coming to the crown, to that minute; with all the sharp reflections which could be made upon the king himself, the queen and council; and published all the unreasonable jealousies of the present government, of the introducing Popery; and all other particulars that might disturb the minds of the people, which were enough discomposed. The house seemed generally to dislike it, many saying, 'That it was very

* Printed for F. Eglesfield and J. Stafford, 1641.

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unnecessary and unseasonable; unnecessary, all those grievances being already fully redressed, and the liberty and property of the subject being as well secured for the future as could possibly be done; and unseasonable, after the king had gratified them with granting every thing which they had desired of him; and, after so long absence in the settling the disorders in another kingdom, which he had happily composed, to be now welcomed home with such a volume of reproaches for what others had done amiss, and which he himself had reformed'. Notwithstanding all which, all the other party appeared passionately concerned that it might not be rejected, and enlarged themselves with as high expressions against the government as at first; with many insinuations, 'That we were in danger of being deprived of all the good acts which we had gained, if great care and vigilance were not used to disappoint some counsels which were still entertained;' making some doubtful glances and reflections upon the rebellion in Ireland, with which they perceived many good men were easily amused; and, in the end, prevailed, 'That a day should be appointed, when the house should be resolved into a committee of the whole house, and the Remonstrance to be then retaken into consideration:' and, in the mean time, they employed all their credit and interest with particular men, to persuade them, 'That the passing that Remonstrance was most necessary for the preservation and maintenance of all those good laws, which they had already made;' giving several reasons to several persons, according to their natures and inclinations; assuring many, 'That they intended it only for the mortification of the court, and manifestation that that malignant party, which appeared to be growing up in the house, could not prevail; and then, That it should remain still in the clerk's hands, and never be published. And, by these and the like arts, they promised themselves, that they should easily carry it: so that the day it was to be resumed, they entertained the house all the morning with other debates, and, towards noon, called for the Remonstrance; and it being urged by some, 'That it was too late to enter upon it,' with much difficulty they consented, 'That it should be entered upon the next morning, at 9 of the clock, and every clause should be debated, the Speaker in the chair;' for they would not have the house resolved into a committee, which they believed would spend too much time. *Oliver Cromwell*, who at that time was little taken notice of, asked the lord Falkland, 'Why he would have it put off, for that day would quickly have determined it? he answered, 'There would not have been time enough; for sure it would take some debate.' The other replied, 'A very sorry one:' They supposing, by the computation they had made, that very few would oppose it. But he quickly found he was mistaken; for, the next morning, the debate being entered upon about 9 of the clock, it continued all that day; and candles being called for when it grew dark (neither side being very desirous to adjourn till the next day, though it was evident very many withdrew themselves out of pure faintness and disability to attend the conclusion) the debate continued till it was after 12 of the clock, with much passion; and the house being then divided upon the passing or not passing it, it was carried in the affirmative by 9 voices, and no more *: And, as soon as it was declared, Mr. Hampden moved, 'That there might be an Order entered for the present printing it,' which produced a sharper debate than the former. It appeared then, that they did not intend to send it up to the house of peers for their concurrence; but that it was, upon the matter, an Appeal to the People, and to infuse jealousies into their minds. It had seldom been the custom to publish any debates or determinations of the house, which were not first regularly transmitted to the house of peers; nor was it thought, in truth, that the house had authority to give warrant for the printing of any thing; all which was offered by Mr. Hyde, with some warmth, as soon as the motion was made for printing it; and he said, 'He believed the printing it, in that manner, was not lawful, and he feared it would produce mischievous effects; and therefore desired the leave of the house, that if the question should be put, and be carried in the affirmative, he might have liberty to enter his protestation;' which he no sooner said, than Jeffrey Palmer, a man of great reputation, and much esteemed in the house, stood up and made the same motion for himself, 'That he might likewise protest.' Many afterwards, without distinction, and in some disorder, cried out, together, 'They did protest;' so that there was, after, scarce any quiet and regular debate: But the house, by degrees, being quieted, they all consented, about 2 of the clock in the morning, to adjourn till 2 the next afternoon. And as they went out of the house, the lord Falkland asked Oliver Cromwell, 'Whether there had been a debate?' to which he answered, 'He would take his word another time:' and whispered him in the ear, with some asseveration, 'That, if the Remonstrance had been rejected, he would have sold all he had the next morning, and never have seen England more; and he knew there were many other honest men of the same resolution.' Rushworth says. 'That this debate lasted from 3 in the afternoon till 3 the next morning; so that one said, 'It looked like the *verdict* of a *starved Jury*."

The King orders the Parliament's Guard to be dismissed.] Nov. 26. The lord keeper acquainted the lords, That he had received a command from the king to tell them, "That his majesty had heard both houses had appointed Guards to attend them for their security, in his absence, which he presumes they had reasons for; but now, upon his return, he hopes his presence will be a protection to them: And therefore

* By the Journals, the majority was 11.

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has ordered the said Guards to be dissolved; but, if there be any occasion for it, he will take care there be sufficient Guards to secure them." This Message being communicated to the commons, the Answer returned, was, "That house desired the lords to send some few of their body, to petition the king that the Guards may stay; and, in a day or two, they would bring up reasons to satisfy his majesty about it."—The next day the king's Answer to this Petition was delivered to the lords, importing, "That he did command the Guards to be dismissed, because he knew no cause the parliament had of fears; but he well perceived the molestation that the keeping of them would bring upon those subjects of his, which were to perform that service; besides the general apprehension and jealousies, which thereby might disquiet all his people. He expressed, that when the parliament should desire of him any extraordinary thing like this, and what appears of ill consequence, that they give him such particular reasons, as might satisfy his judgment, if they did expect their desires to be granted. Yet he was so tender of the parliament's sefety, that, to secure them, not only from real, but even imaginary dangers, he had commanded the earl of Dorset to appoint some of the Trained Bands to wait upon the parliament for a few days; in which time, if he should be satisfied that there is just reason, he would continue them, and likewise take such a course for the safety of his own person as should be fit; of which, he doubted not, but they had as tender a care as of their own." This Answer was ordered to be communicated to the commons at a conference.—Nothing done, of much consequence, in either house till November 30.

The Reasons of both Houses for the Continuance thereof.] Nov. 30. Mr. Pym, from a committee, presented the Reasons of both houses for the continuance of a Guard, which were agreed to, as follows:—"The great number of disorderly, suspicious, and desperate persons, especially of the Irish nation, lurking in obscure allies and victualling-houses, in the suburbs, and other places near London and Westminster. The jealousy conceived upon discovery of the design in Scotland, for the surprising of the persons of divers nobility and members of the parliament there; which had been spoken of here, some few days before it broke out, not without some whispering intimation, that the like was intended against divers persons of both houses; which found the more credit, by reason of the former attempts of bringing up the army, to disturb and inforce this parliament. The Conspiracy in Ireland, managed with so much secrecy, that, but for the happy discovery at Dublin, it had been executed in all parts of the kingdom; upon one and the same day, or soon after; and that some of the chief conspirators did profess, that the like course was intended in England and Scotland; which being found in some degree, true in Scotland, seemed the more probable to be likewise designed for England. Divers Advertisements beyond the sea, which came over about the same time, 'That there should be a great alteration of religion in England in a few days; and that the necks of both the parliaments should be broken.' Divers Examinations, of dangerous speeches of some of the Popish and discontented party in this kingdom. The secret meetings and consultations of the Papists, in several parts: their frequent devotions for the prosperity of some great design in hand. These several considerations do move the parliament to desire a Guard; which for the most part ...* under the command of the earl of Essex: and they do conceive there is just cause to apprehend, that there is some wicked and mischievous practice, to interrupt the peaceable proceedings of the parliament, still in hand: for preventing whereof, it is fit the Guard should be continued under the same command, or such other as they should choose: but, to have it under the command of any other, not chosen by themselves, they can by no means consent to; and will rather run any hazard, than admit of a precedent so dangerous, both to this and future parliaments. And they humbly leave it to his majesty, to consider, whether it will not be fit, to suffer his high court of parliament to enjoy that privilege of providing for their own safety, which was never denied other inferior courts: and that he will be pleased graciously to believe, that they cannot think themselves safe under any Guard, of which they shall not be assured, that it will be as faithful in defending his majesty's safety, as their own; whereof they shall always be more careful than of their own."

A Committee appointed to wait upon the King, with the Petition and Remonstrance.] Dec. 1. The committee of the commons, for presenting their Petition and Remonstrance to the king, were sir Symonds D'Ewes, sir Arthur Ingram, sir James Thynne, Mr. Henry Bellasise lord Grey, sir Christopher Wray, lord Fairfax, sir Ralph Hopton, sir R. Wynne, sir John Corbet, sir Edw. Dering, sir Arthur Haslerig. Amongst these sir Edward Dering, who had so warmly opposed the passing this Remonstrance, was appointed, by the house, to read and present it to his majesty; who being out of the way, (Rushworth says on purpose) sir Ralph Hopton was ordered to do it; who, the next day, made his Report to the house in what manner they were received:—He said, "That the last night, in the evening, the committee appointed to attend his majesty, in this particular, came to Hampton-Court, and sir Richard Wynne (I may name him upon this occasion) gave his majesty notice of our being there; and, within a quarter of an hour, the king sent a gentleman to call us in; with directions that none should come in but the committee alone; who did all of them present themselves upon their knees and myself, in obedience to the order of the house, in the absence of another designed for that service, did begin to read the Petition,

* Hiatus in Orig.

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kneeling: but his majesty would not permit us to kneel, but commanded us all to rise; and so I read it. The first observation his majesty made was at that part of the Petition, that chargeth a malignant party with a design to change Religion: to which his majesty said, with a great deal of fervency, 'The Devil take him, whomsoever he be, that had a design to change Religion.' I then proceeded; and when I came to that part of the Petition, for reserving the Disposal of the Lands of the Rebels in Ireland, &c. his majesty was pleased to say, 'We must not dispose of the Bear's Skin till he be dead." After the Petition was read, his majesty desired to ask us some questions. We answered, We had no commission to speak any thing concerning this business. 'Then' said he 'you may speak as particular men;' and said 'Doth the house intend to publish this Declaration?' We answered, We could give no Answer unto it 'Well then,' said he, 'I suppose you do not now expect an Answer to so long a Petition: and this let me tell you, I have left Scotland well, and in peace; they are all satisfied with me, and I with them; and though I stayed longer there than I expected, yet, I think, if I had not gone, you had not been rid so soon of the army. I shall give you an Answer to this business, with as much speed as the weightiness of the business will permit.' And so gave us all his hand to kiss: and afterwards sent Mr. Comptroller to us with this message, to be delivered to the house, 'That there might be no publishing of the Declaration till this house had received his majesty's Answer.' We were all entertained by Mr. Comptroller with great respect, and lodged by the king's harbinger."

Since, from this Petition and Remonstrance, with the king's Answer to them at their delivery, and from the Declaration he published afterwards to the same purpose, the reader will be better enabled to form a judgment of the cause of the Civil War that ensued, and the arguments on both sides, we have printed them at large. The length of them may be more easily pardoned, since they may be justly stiled the very hinge upon which all those differences turned that, afterwards, came to be decided by the sword.

The PETITION was as follows:*

"Most gracious Sovereign; Your majesty's most humble and faithful subjects, the commons in this present parliament assembled, do, with much thankfulness and joy, acknowledge the great mercy and favour of God, in giving your majesty a safe and peaceable return out of Scotland into your kingdom of England; where the pressing dangers and distempers of the state have caused us, with much earnestness, to desire the comfort of your gracious presence, and likewise the unity and justice of your royal authority to give more life and power to the dutiful and loyal counsels and endeavours of your parliament, for prevention of that imminent ruin and destruction wherewith your kingdoms of England and Scotland are threatened. The duty which we owe to your majesty and our country, cannot but make us very sensible and apprehensive, that the multiplicity, sharpness, and malignity of those evils, under which we have now many years suffered, are fomented and cherished by a corrupt and ill-affected party; who, amongst other their mischievous devices for the alteration of religion and government, have sought, by many false scandals and imputations, cunningly insinuated and dispersed amongst the people, to blemish and disgrace our proceedings in this parliament, and to get themselves a party and faction amongst your subjects; for the better strengthening of themselves in their wicked courses, and hindering those provisions and remedies which might, by the wisdom of your majesty and counsel of your parliament, be opposed against them.—For preventing whereof, and the better information of your majesty, your peers, and all other your loyal subjects, we have been necessitated to make a Declaration of the State of the Kingdom, both before and since the assembly of this parliament, unto this time; which we do humbly present to your majesty, without the least intention to lay any blemish upon your royal person, but only to represent how your royal authority and trust have been abused, to the great prejudice and danger of your majesty, and of all your good subjects.—And because we have reason to believe that those malignant parties, whose proceedings evidently appear to be mainly for the advantage and increase of Popery, is composed, set up, and acted by the subtle practice of the Jesuits, and other engineers and factors for Rome; who, to the great danger of this kingdom, and most grievous affliction of your loyal subjects, have so far prevailed, as to corrupt divers of your Bishops, and others in prime places of the Church; and also to bring divers of these instruments to be of your privy council, and other employments of trust and nearness about your majesty, the prince, and the rest of your royal children; and, by this means, have had such an operation in your council and the most important affairs and proceedings of your government, that a most dangerous division and chargeable Preparation for War betwixt your kingdoms of England and Scotland, the Increase of Jealousies betwixt your majesty and your most obedient subjects, the violent Distraction and Interruption of this Parliament, the Insurrection of the Papists in your kingdom of Ireland, and bloody Massacre of your people there, have been not only endeavoured and attempted, but, in a great measure, compassed and effected.—For preventing the final accomplishment whereof, your poor subjects are inforced to engage their persons and estates to the

* From the original edition, printed by Joseph Hunscutt, by order of the house of commons, and signed by H. Elsinge, Cler. Parl. L. Com.

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maintaining of a very expenceful and dangerous war, notwithstanding they have already, since the beginning of this parliament, undergone the charge of 150,000*l.* or thereabouts, for the necessary support and supply of your majesty in these present and perilous designs.—And because all our most faithful endeavours and engagements will be ineffectual for the peace, safety and preservation of your majesty and your people, if some present, real, and effectual course be not taken for suppressing this wicked and malignant party, we your most humble and obedient subjects do, with all faithfulness and humility, beseech your majesty; I. That you will be graciously pleased to concur with the humble desires of your people in a parliamentary way, for the preserving the peace and safety of the kingdom from the malicious designs of the Popish party: for depriving the Bishops of their Votes in parliament, and abridging their immoderate power usurped over the clergy, and other your good subjects; which they have most perniciously abused, to the hazard of religion, and great prejudice and oppression of the laws of the kingdom, and just liberty of your people: for the taking away such oppressions in religion, church government, and discipline, as have been brought in and fomented by them: for uniting all such your loyal subjects together, as join in the same fundamental truths against the Papists, by removing some oppressions and unnecessary ceremonies, by which divers weak consciences have been scrupled, and seem to be divided from the rest: for the due execution of those good laws which have been made for securing the liberty of your subjects. II. That your majesty will, likewise, be pleased to remove from your council all such as persist to favour and promote any of those pressures and corruptions, wherewith your people have been grieved; and that, for the future, your majesty will vouchsafe to employ such persons in your great and public affairs, and to take such to be near you in places of trust, as your parliament may have cause to confide in: that, in your princely goodness to your people, you will reject and refuse all mediation and solicitation to the contrary, how powerful and near soever. III. That you would be pleased to forbear to alienate any of the forfeited and escheated lands in Ireland, which shall accrue to your crown by reason of this rebellion; that, out of them, the crown may be the better supported, and some satisfaction made to your subjects of this kingdom, for the great expences they are like to undergo by this war.—Which humble desires of ours being graciously fulfilled by your majesty, we will, by the blessing and favour of God, most chearfully undergo the hazard and expences of this war; apply ourselves to such other courses and counsels as may support your royal estate with honour and plenty at home, with power and reputation abroad; and, by our loyal affections, obedience and service, lay a sure and lasting foundation of the greatness and prosperity of your majesty and your royal posterity in future times."

The REMONSTRANCE of the State of the Kingdom; presented with the foregoing PETITION.

"The commons in this present parliament assembled, having, with much earnestness and faithfulness of affection, and zeal to the public good of this kingdom and his majesty's honour and service, for the space of 12 months, wrestled with the great dangers and fears, the pressing miseries and calamities, the various distempers and disorders, which had not only assaulted, but even overwhelmed and extinguished the liberty, peace, and prosperity of this kingdom, the comfort and hopes of all his majesty's good subjects, and exceedingly weakened and undermined the foundation and strength of his own royal throne, do yet find an abounding malignity and opposition in those parties and factions, who have been the cause of those evils, and do still labour to cast aspersions upon that which hath been done; to raise many difficulties for the hinderance of that which remains yet undone; and also to foment jealousies betwixt the king and the parliament; that so they may deprive him and his people of the fruit of his own gracious intentions, and of their humble desires, of procuring the public peace, safety, and happiness of this realm: for the preventing of those miserable effects, which such malicious endeavours may produce, we have thought good to declare: 1st, The Root and the Growth of those mischievous Designs. 2dly, The Maturity and Ripeness, to which they had attained before the beginning of the parliament. 3dly, The effectual Means which have been used for the Extirpation of those dangerous Evils, and the Progress which hath therein been made by his majesty's goodness and the wisdom of the parliament. 4thly, The ways of Obstruction and Opposition, by which that progress hath been interrupted. 5thly, The Courses to be taken for the removing those Obstacles, and for the accomplishing of our most dutiful and faithful intentions and endeavours of restoring and establishing the antient honour, greatness, and security of this crown and nation.—The Root of all this Mischief we find to be a malignant and pernicious design of subverting the fundamental laws and principles of government; upon which the religion and justice of this kingdom are firmly established. The actors and promoters hereof have been, 1st, The Jesuited Papists, who hate the laws, as the obstacles of that change, and subversion of religion, which they so much long for. 2dly, The bishops, and the corrupt part of the clergy, who cherish formality and superstition, as the natural effects, and more probable supports of their own ecclesiastical tyranny and usurpation. 3dly, Such counsellors and courtiers as, for private ends, have engaged themselves to further the interests of some foreign princes or states, to the prejudice of his majesty and the

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state at home.—The common principles, by which they moulded and governed all their particular counsels and actions, were these: 1st, To maintain continual differences and discontents betwixt the king and the people, upon questions of prerogative and liberty, that so they might have the advantage of siding with him; and, under the notions of men addicted to his service, gain to themselves, and their parties, the places of greatest trust and power in the kingdom. 2dly, To suppress the purity and power of religion, and such as were best affected to it, as being contrary to their own ends, and the greatest impediment to that change which they thought to introduce. 3dly, To conjoin those parties of the kingdom who were most propitious to their own ends, and to divide those who were most opposite: this consisted in many particular observations, viz. To cherish the Arminian Party in those points wherein they agree with the Papists; to multiply and enlarge the differences betwixt the common Protestants and those whom they call Puritans; to introduce and countenance such opinions and ceremonies as are fittest for an accommodation with Popery; to increase and maintain ignorance, looseness, and prophaneness in the people; that of those three parties, Papists, Arminians, and Libertines, they might compose a body fit to act such counsels and resolutions, as were most conducible to their own ends. 4thly, To disaffect the king to parliaments by slanders and false imputations; and, by putting him upon other ways of supply (which, in shew and appearance, were fuller of advantage than the ordinary course of Subsidies, though, in truth, they brought more loss than gain both to the king and people) have caused the great distractions under which both suffer.—As in all compounded bodies, the operations are qualified according to the predominant element; so, in this mixt party, the Jesuited counsels being most active and prevailing, may easily be discovered to have had the greatest sway in all their determinations; and, if they be not prevented, are likely to devour the rest, or to turn them into their own nature.—In the beginning of his majesty's reign, the party begun to revive and flourish again, having been somewhat damped by the breach with Spain in the last year of king James, and by his majesty's marriage with France; (the interests and councils of that state being not so contrary to the good of religion and the prosperity of this kingdom, as those of Spain; and the Papists of England having been ever more addicted to Spain than France) yet they still retained a purpose and resolution to weaken the Protestant parties in all parts, and even in France; thereby to make way for the change of religion which they intended at home.—The first effect and evidence of their recovery and strength was, the Dissolution of the parliament at Oxford, after there had been given two subsidies to his majesty; and before they received relief in any one Grievance, many other more miserable effects followed: The Loss of the Rochel Fleet, by the help of our shipping set forth and delivered over to the French, in opposition to the advice of parliament; which left that town without defence by sea, and made way not only to the loss of that important place, but likewise to the loss of all the strength and security of the Protestant religion in France:—The diverting of his majesty's course of wars from the West-Indies, which was the most facile and hopeful way for this kingdom to prevail against the Spaniard, to an expenceful and successless attempt upon Cadiz; which was so ordered, as if it had rather been intended to make us weary of war, than to prosper in it: The precipitate breach with France, and taking their ships to a great value; whereupon the English subjects goods were embargoed and confiscated in that kingdom, without having any recompence made them: The peace with Spain without consent of parliament, contrary to the promise of king James to both houses; whereby the Palatine's cause was deserted, and left to chargeable and hopeless treaties; which, for the most part, were managed by those who might justly be suspected to be no friends to that cause: The charging of the kingdom with billetted soldiers in all parts of it, and that concomitant design of German horse; that the land might either submit with fear, or be inforced with rigour, to such arbitrary contributions as should be required of them: The dissolving of the parliament, in the 2nd year of his majesty's reign, after a declaration of their intent to grant 5 Subsidies: The exacting of the like proportion of 5 Subsidies, after the parliament was dissolved, by commission of loan; and divers gentlemen and others imprisoned for not yielding to pay that loan; whereby many of them contracted such sickness as cost them their lives. Great sums of money required, and raised by privy-seals. An unjust and pernicious attempt to extort great payments from the subjects, by way of excise; and a commission issued, under seal, for that purpose: The Petition of Right, which was granted in full parliament, blasted with an illegal Declaration, to make it destructive to itself, to the power of parliament, to the liberty of the subject, and to that purpose printed with it; and the Petition made of no use, but to shew the bold and presumptuous injustice of such ministers as durst break the laws, and suppress the liberties of the kingdom, after they had been so solemnly and evidently declared: Another parliament dissolved, 4. Caroli; the Privileges of Parliament broken, by imprisoning divers members of the house, detaining them close prisoners for many months together, without the liberty of using books, pen, ink, or paper; denying them all the comforts of life, all means of preservation of health, not permitting their wives to come unto them, even in time of their sickness: and, for the compleating of that cruelty, after years spent in such miserable durance, depriving them of the necessary means of spiritual consolation, not suffering them to

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go abroad to enjoy God's ordinances, in God's house, or God's ministers to come to them, to administer comfort unto them in their private chambers; and, to keep them still in this oppressed condition, not admitting them to be bailed according to law, yet vexing them with informations in inferior courts; sentencing and fining some of them for matters done in parliament, and extorting the payments of those fines from them; enforcing others to put in security for good behaviour, before they could be released. The imprisonment of the rest, who refused to be bound, still continued, (which might have been perpetual, if necessity had not, the last year, brought another parliament to relieve them) of whom one (Sir John Elliot) died by the cruelty and harshness of his imprisonment; which would admit of no relaxation, notwithstanding the imminent danger of his life did sufficiently appear by the declaration of his physician: and his release, or at least his refreshment, was sought by many humble petitions. And his blood still cries for vengeance, or repentance of those ministers of state, who, at once, obstructed the course both of his majesty's justice and mercy. Upon the dissolution of both these parliaments, untrue and scandalous Declarations were published, to asperse their proceedings, and some of their members; unjustly to make them odious, and colour the violence which was used against them. Proclamations were set out, to the great dejecting of the hearts of the people, forbidding them even to speak of parliaments. After the breach of parliament, in the 4th year of his majesty, injustice, oppression, and violence broke in upon us, without any restraint or moderation; and yet the first project, was the great sums exacted through the whole kingdom, for default of knighthood, which seemed to have some colour and shadow of law; yet, if it be rightly examined by that obsolete law which was pretended for it, it will be found to be against all the rules of justice, both in respect of the persons charged, the proportion of the fines demanded, and the absurd and unreasonable manner of their proceedings. Tonnage and Poundage hath been received without colour or pretence of law; many other heavy impositions continued against law; and some so unreasonable, that the sum of the charge exceeds the value of the goods. The Book of Rates lately inhanced to a high proportion; and such merchants, as would not submit to their illegal and unreasonable payments, were vexed and oppressed above measure, and the ordinary course of justice, the common birth-right of the subjects of England, wholly obstructed unto them. And although all this was taken upon pretence of guarding the sea, yet a new and unheard-of tax of Ship-Money was devised, upon the same pretence. By both which, there was charged upon the subject near 700,000*l.* some years; and yet the merchants have been left so naked to the violence of the Turkish pirates, that many great ships of value, and thousands of his majesty's subjects, have been taken by them, and do still remain in miserable slavery. The enlargement of Forests, contrary to Charta de Foresta, and the composition thereupon: the exactions of Coat and Conduct-Money, and divers other military charges: the taking away the arms of the Trained Bands of divers counties: the desperate design of ingrossing all the Gun-powder into one hand, keeping it in the Tower of London, and setting so high a rate upon it, that the poorer sort were not able to buy it, nor could any have it without license; thereby to leave the several parts of the kingdom destitute of their necessary defence; and, by selling so dear that which was sold, to make an unlawful advantage of it, to the great charge and detriment of the subject: the general destruction of the king's timber, especially that in the forest of Dean, sold to Papists; which was the best store-house of this kingdom for the maintenance of our shipping: the taking away of men's right, under colour of the king's title to land between high and low water-marks: the Monopolies of soap, salt, wine, leather, sea-coal, and, in a manner, of all things of most common and necessary use: the restraint of the liberties of the subjects in their habitations, trades, and other interests: their vexation and oppression by purveyors, clerks of the market, and salt-petre men: the sale of pretended nuisances, as buildings in and about London: conversion of arable into pasture, and continuance of pasture, hath, under the name of depopulation, drawn many millions out of the subjects purses, without any considerable profit to his majesty. Large quantities of common, and several grounds, have been taken from the subject, by colour of the statute of Improvement, and by abuse of the commission of Sewers, without their consent, and against it.—Not only private interest, but also public faith hath been broken, in seizing of the money and bullion in the mint; and the whole kingdom like to be robbed at once, in that abominable project of Brass Money. Great numbers of his majesty's subjects, for refusing those unlawful charges, have been vexed with long and expensive suits; some fined and censured; others committed to long and hard imprisonments and confinements, to the loss of health in many, of life in some; and others have had their houses broken open, and their goods seized; some have been restrained from their lawful callings; ships have been interrupted in their voyages, surprized at sea, in a hostile manner, by Projectors, as by a common enemy; merchants prohibited to unlade their goods in such ports as were for their own advantage, and forced to bring them to those places which were most for the advantage of the Monopolizers and Projectors. The court of Star-Chamber hath abounded in extravagant censures, not only for the maintenance and improvement of Monopolies, and other unlawful taxes, but for divers other causes, where there hath been no offence, or very small; whereby his majesty's subjects have been oppressed by grievous fines, imprison-

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ments, stigmatizings, mutilations, whippings, pillories, gags, confinements, and banishments, after so rigid a manner, as hath not only deprived men of the society of their friends, exercise of their professions, comfort of books, use of paper and ink, but even violated that near union which God hath established betwixt men and their wives, by forced and constrained separation; whereby they have been bereaved of the comfort and conversation one of another, for many years together, without hope of relief, if God had not, by his over-ruling Providence, given some interruption to the prevailing power and counsel of those, who were the authors and promoters of such peremptory and heady courses.—Judges have been put out of their places, for refusing to act against their oaths and consciences; others have been so awed that they durst not do their duties; and, the better to hold a rod over them, the clause, 'Quamdiu se bene gesserit,' was left out of their patents, and a new clause, 'Durante bene placito,' inserted. Lawyers have been checked for being faithful to their clients: solicitors and attornies have been threatened, and some punished, for following lawful suits: and, by this means, all the approaches to justice were interrupted and forecluded.—New oaths have been forced upon the subject against law; new judicatories erected without law. The council-table have, by their orders, offered to bind the subjects in their freeholds, estates, suits, and actions.—The pretended court of the Earl Marshal was arbitrary, and illegal, in its being and proceedings. The Chancery, Exchequer-Chamber, Court of Wards, and other English courts, have been grievous, in exceeding their jurisdiction. The estate of many families weakened, and some ruined, by excessive fines exacted from them for compositions of wardships. All leases of above 100 years made to draw on wardship, contrary to law. Undue proceedings used in finding of offices, to make the Jury find for the king. The Common-Law courts, seeing all men more inclined to seek justice where it may be fitted to their own desire, are known frequently to forsake the rules of the Common-Law, and, straining beyond their bounds, under pretence of equity to do injustice. Titles of honour, judical places, serjeantships at law, and other offices have been sold for great sums of money; whereby the common justice of the kingdom hath been much endangered, not only by opening a way of employment in places of great trust and advantage, to men of weak parts; but also by giving occasion to bribery, extortion, and partiality; it seldom happening that places ill gotten are well used, commissions have been granted for examining the excess of fees; and, when great exactions have been discovered, compositions have been made with delinquents, not only for the time past, but likewise for immunity and security in offending for the time to come; which, under colour of remedy, hath but confirmed and increased the Grievance to the subject. The usual course of pricking sheriffs not observed; but many times sheriffs made in an extraordinary way; sometimes as a punishment and charge unto them; sometimes such were pricked out, as would be instruments to execute whatsoever they would have to be done.—The Bishops and the rest of the clergy did triumph in the suspensions, excommunications, deprivations and degradations, of divers painful, learned, and pious ministers, and in the vexation and grievous oppression of great numbers of his majesty's good subjects. The High-Commission grew to such excess of sharpness and severity, as was not much less than the Romish Inquisition; and yet, in many cases, by the archbishop's power * was made much more heavy, being assisted and strengthened by authority of the Council-Table. The bishops, and their courts, were as eager in the country; and although their jurisdiction could not reach so high in rigour and extremity of punishment, yet were they no less grievous, in respect of the generality and multiplicity of vexations; which lighting upon the meaner sort of tradesmen and artificers, did impoverish many thousands, and so afflict and trouble others, that great numbers, to avoid their miseries, departed out of the kingdom; some into New-England, and other parts of America; others into Holland, where they have transported their manufactures of cloth; which is not only a loss, by diminishing the present stock of the kingdom, but a great mischief, by impairing and endangering the loss of that peculiar trade of cloathing, which hath been a plentiful fountain of wealth and honour to this nation. Those were fittest for ecclesiastical preferment, and soonest obtained it, who were most officious in promoting superstition; most virulent in railing against Godliness and honesty. The most public and solemn sermons before his majesty, were either to advance prerogative above law, and decry the property of the subject; or full of such kind of invectives, whereby they might make those odious, who sought to maintain the religion, laws, and liberties of the kingdom; and such men were sure to be weeded out of the commission of the peace, and out of all other employments of power in the government of the country. Many noble personages were counsellors in name; but the power and authority remained in a few of such as were most addicted to this party; whose resolutions and determinations were brought to the table for countenance and execution, not for debate and deliberation; and no man could offer to oppose them without disgrace and hazard to himself: nay, all those that did not wholly concur, and actively contribute to the furtherance of their designs, though otherwise persons of ever so great honour and abilities, were so far from being employed in any place of trust and power, that they were neglected, discountenanced, and, upon all occasions, injured and oppressed. This faction

* Dr. Laud, Archbishop of Canterbury.

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was grown to that height and intireness of power, that now they began to think of finishing their work, which consisted of these three parts: 1. The government must be set free from all restraint of laws, concerning our persons and estates. 2. There must be a conjunction betwixt Papists and Protestants, in doctrine, discipline, and ceremonies; only it must not yet be called Popery. 3. The Puritans, (under which name they include all those that desire to preserve the laws and liberties of the kingdom, and to maintain religion in the power of it) must be either rooted out of the kingdom with force, or driven out with fear. For the effecting of this, it was thought necessary to reduce Scotland to such Popish superstitions and innovations, as might make them apt to join with England in that great change which was intended: whereupon new Canons and a new liturgy were pressed upon them; and, when they refused to admit of them, an army was raised to force them to it; towards which the Clergy and the Papists were very forward in their contribution. The Scots likewise raised an army for their defence; and when both armies were come together, and ready for a bloody encounter, his majesty's own gracious disposition, and the counsel of the English nobility and dutiful submission of the Scots, did so far prevail against the evil counsel of others, that a pacification was made, and his majesty returned with peace and much honour to London.—The unexpected reconciliation was most acceptable to all the kingdom, except to the malignant party, whereof the archbishop and the earl of Strafford being heads, they and their faction began to inveigh against the peace, and to aggravate the proceedings of the states; which so incensed his majesty, that he forthwith prepared again for war. And such was their confidence, that, having corrupted and distempered the whole frame and government of the kingdom, they did now hope to corrupt that which was the only means to restore all to a right frame and temper again; to which end they persuaded his majesty to call a parliament, not to seek counsel and advice of them, but to draw countenance and supply from them, and engage the whole kingdom in their quarrel; and, in the mean time, continued all their unjust levies of money, resolving either to make the parliament pliant to their will, and to establish mischief by a law, or else to break it; and, with more colour, to go on by violence, to take what they could not obtain by consent. The ground alledged for the justification of this war was this, That the undutiful demand of the parliament of Scotland was a sufficient reason for his majesty to take arms against them, without hearing the reason of those demands: and thereupon a new army was prepared against them; their ships were seized in all ports both of England and Ireland, and at sea; their petitions rejected; and their commissioners refused audience. This whole kingdom being most miserably distempered with levies of men and money, and imprisonments of those who denied to submit to those levies, the earl of Strafford passed into Ireland, caused the parliament there to declare against the Scots, to give 4 Subsidies towards that war, and to engage themselves, their lives, and fortunes, for the prosecution of it; and gave directions for an army of 8000 foot and 1000 horse to be levied there, which were for the most part Papists. The parliament met upon the 13th of April, 1640. The earl of Strafford and abp. of Canterbury, with their party, so prevailed with his majesty, that the house of commons were pressed to yield a Supply for the maintenance of the War with Scotland, before they had provided any relief for the great and pressing Grievances of the people; which being against the fundamental privilege and proceeding of parliament, was yet, in humble respect to his majesty, so far admitted, as that they agreed to take the matter of Supply into consideration, and two several days it was debated, (12 Subsidies being demanded for the release of Ship-Money alone) and a third day was appointed for conclusion; when the heads of that party began to fear the people might close with the king in satisfying his desire of money; but that withal they were like to blast their malicious designs against Scotland, finding them very much indisposed to give any countenance to that war: thereupon they wickedly advised the king to break off the parliament, and to return to the ways of confusion; in which their own evil intentions were most like to prosper and succeed.—After the parliament ended, May 5, 1640, this party grew so bold as to counsel the king to supply himself out of his subjects estates by his own power, at his own will, without their consent. The very next day some members of both houses had their studies and cabinets, yea their pockets, searched; another of them, not, long after, was committed close prisoner, for not delivering some petitions which he had received by authority of that house; and if harsher courses were intended, as was reported, it is very probable that the sickness of the earl of Strafford, and the tumultuous rising in Southwark and about Lambeth, were the causes that such violent intentions were not brought to execution.—A false and scandalous Declaration against the house of commons was published in his majesty's name; which yet wrought little effect with the people, but only to manifest the impudence of those who were the authors of it. A Forced Loan of money was attempted in the city of London, and the lord mayor, and aldermen in their several wards, enjoined to bring in a list of the names of such persons as they judged fit to lend, and of the sum they should lend; and such aldermen as refused so to do, were committed to prison. The archbishop, and the other bishops and clergy, continued the convocation, and, by a new commission, turned it to a provincial synod; in which, by an unheard-of presumption, they

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made Canons, that contain in them many matters contrary to the king's prerogative; to the fundamental laws and statutes of the realm; to the right of parliaments; to the property and liberty of the subject; and matters tending to sedition, and of dangerous consequence; thereby establishing their own usurpations, justifying their altar-worship, and those other superstitious innovations, which they formerly introduced without warrant of law.—They imposed a new Oath upon divers of his majesty's subjects, both ecclesiastical and lay, for maintenance of their own tyranny; laid a great tax upon the clergy for supply of his majesty; and, generally, they shewed themselves very affectionate to the war with Scotland, which was, by some of them, stiled 'Bellum Episcopale;' they composed a prayer, and enjoined it to be read in all churches, calling the Scots, Rebels, to put the two nations into blood, and make them irreconcilable. All these pretended Canons and Constitutions were armed with the several censures of suspension, excommunication, and deprivation; by which they would have thrust out all the good ministers, and most of the well-affected people of the kingdom, and left an easy passage to their own design of reconciliation with Rome.—The Popish party enjoyed such exemption from the penal laws, as amounted to a toleration, besides many other encouragements and court favours. They had a secretary of state, sir Francis Windebank, a powerful agent for the speeding of all their desires; and a Pope's Nuncio residing here, to act and govern them according to such instructions as he received from Rome, and to intercede for them with the most powerful concurrence of the foreign princes of that religion; by whose authority the Papists of all sorts, nobility, gentry, and clergy, were convocated after the manner of a parliament; new jurisdictions were erected of Romish archbishops; taxes levied; another state moulded within this state, independent in government, contrary in interest and affection, secretly corrupting the ignorant or negligent professors of our religion, and closely uniting and combining themselves against such as were sound; in this posture waiting for an opportunity, by force, to destroy those whom they could not hope to seduce. For the effecting whereof, they were strengthened with arms and munition, and encouraged by superstitious prayers, enjoined by the Nuncio to be weekly made for the prosperity of some great design. And such power had they at court, that, secretly, a commission was intended to be issued to some great men of that profession, for the levying of soldiers, and to command and employ them according to private instructions; which we doubt were framed for the advantage of those who were the contrivers of them.—His majesty's treasure was consumed; his revenue anticipated; his servants and officers compelled to lend great sums of money; multitudes were called to the council-table, who were tired with long attendances there, for refusing illegal payments; the prisons were filled with their commitments; many of the sheriffs summoned into the Star-Chamber, and some imprisoned for not being quick enough in levying the Ship-Money; the people languished under grief and fear, no visible hope being left, but in desperation; the nobility beginning to be weary of their silence and patience, and sensible of the duty and trust which belongs to them, some of the most eminent of them did thereupon petition his majesty, at such a time when evil counsels were so strong, that they had reason to expect more hazard to themselves, than redress of those public evils for which they interceded.—Whilst the kingdom was in this agitation and distemper, the Scots (restrained in their trades; impoverished by the loss of many of their ships; and bereaved of all possibility of satisfying his majesty by any naked supplication) entered with a powerful army into the kingdom; and, without any hostile act or spoil in the country as they passed, more than forcing a passage over the Tyne at Newburn, near Newcastle, possessed themselves of Newcastle, and had a fair opportunity to press further upon the king's army; but duty and reverence to his majesty, and brotherly love to the English nation, made them stay there; whereby the king had leisure to entertain better counsels; wherein God so blessed and directed him, that he summoned the great council of peers to meet at York, upon the 24th of Sept. and there declared a parliament to begin the 3rd of Nov. then following. The Scots, the first day of the great council, presented an humble Petition to his majesty, whereupon the Treaty was appointed at Rippon; a present cessation of arms agreed upon; and a full conclusion of all differences referred to the wisdom and care of the parliament.—At our first meeting all oppositions seemed to vanish, the mischiefs were so evident, which those evil counsellors produced, that no man durst stand up to defend them; yet the work itself afforded difficulty enough. The multiplied evils, and corruption of 16 years, strengthened by custom and authority, and the concurrent interest of many powerful delinquents, were now to be brought to judgment and reformation. The king's household was to be provided for, they having brought him to that want, that he could not supply his ordinary and necessary expences without the assistance of his people. Two armies were to be paid, which amounted very near to 80,000*l.* a month; and the people were to be tenderly charged, having been formerly exhausted with many burthensome projects.—The difficulties seemed to be insuperable; which, by the Divine Providence, we have overcome: the contrarieties incompatible; which yet, in a great measure, we have reconciled. Six Subsidies have been granted; and a bill of Poll-Money, which, if it be duly levied, may equal 86 Subsidies more; in all 600,000*l.* Besides, we have contracted a debt to the Scots of 220,000*l.* and yet God hath so blessed the endeavours of this parliament, that the king-

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dom is a great gainer by all these charges. The Ship Money is abolished; which cost the kingdom above 200,000*l.* a-year: the Coat and Conduct-Money, and other military charges, are taken away; which, in many counties, amounted to little less than the Ship-Money: The Monopolies are all suppressed; whereof some few did prejudice the subject above a million yearly; the Soap, 100,000*l.* the Wine, 300,000*l.* the Leather must needs exceed both; and Salt could be no less than that; besides the inferior Monopolies, which, if they could be exactly computed, would make up a great sum.—That which is more beneficial than all this, is, that the root of these evils is taken away, which was the arbitrary power pretended to be in his majesty, of taxing the subjects, or charging their estates without consent in parliament; which is now declared to be against law, by the judgment of both houses, and likewise by an Act of parliament.—Another step of great advantage is this, the living Grievances, the evil counsellors and actors of these mischiefs, have been so quelled by the justice done upon the earl of Strafford; the flight of the lord Finch and secretary Windebank; and the accusation and imprisonment of the Archbishop of Canterbury and Judge Berkeley; and the Impeachment of divers other Bishops and Judges, that it is like not only to be an ease to the present times, but a preservation to the future.—The discontinuance of parliaments is prevented by the bill for a Triennal Parliament; and the abrupt dissolution of this parliament by another bill, by which it is provided, It shall not be dissolved or adjourned without the consent of both houses. These two laws well considered, may be thought more advantageous than all the former, because they secure a full operation of the present remedy, and afford a perpetual spring of remedies for the future.—The Star-Chamber, the High-Commission, the courts of President and Council in the North, which were so many forges of misery, oppression, and violence, are all taken away; whereby men are more secured in their persons, liberties and estates, than they could be by any law or example for the regulation of those courts, or terror of the judges. The immoderate power of the Council-Table, and the excessive abuse of that power is so ordered and restrained, that, we may well hope, no such things as were frequently done by them, to the prejudice of the public liberty, will appear in future times, but only in stories; to give us, and our posterity, more occasion to praise God for his majesty's goodness, and the faithful endeavours of this parliament.—The Canons, and the power of Canon-making, are blasted by the Vote of both houses: the exorbitant power of Bishops, and their courts are much abated by some provisions in the bill against the High Commission Court. The authors of the many innovations in doctrine and ceremonies, and the ministers that have been scandalous in their lives, have been so terrified by just complaints and accusations, that we may well hope they will be more modest for the time to come; being either inwardly convicted by the sight of their own folly, or outwardly restrained by the fear of punishment. The Forests are, by a good law, reduced to their right bounds. The encroachments and oppressions of the Stannary Courts; the extortions of the Clerk of the Market; and the compulsion of the subject to receive the order of Knighthood against his will, paying of fines for not receiving it, and the vexatious proceedings thereupon for levying of those fines, are, by other beneficial laws, reformed and prevented.—Many excellent laws and provisions are in preparation for removing the inordinate power, vexation, and usurpation of Bishops; for reforming the pride and idleness of many of the Clergy; for easing the people of unnecessary ceremonies in Religion; for censuring and removing unworthy and unprofitable ministers; and for maintaining godly and diligent preachers through the kingdom.—Other things, of main importance for the good of this kingdom, are in proposition, (though little could hitherto be done, in regard of the many other pressing businesses; which yet, before the end of this session, we hope may receive some progress and perfection) as the establishing and ordering the king's Revenue, that so the abuse of officers, and superfluity of expences may be cut off, and the necessary disbursements for his majesty's honour, the defence and government of the kingdom, may be more certainly provided for; the regulating of Courts of Justice, and abridging both the delays and charges of Law-Suits; the settling of some good courses for preventing the exportation of Gold and Silver, and the inequality of Exchanges betwixt us and other nations, for the advancing of native commodities, increase of our manufactures, and well-balancing of trade; whereby the stock of the kingdom may be increased, or, at least, kept from impairing, as, through neglect hereof, it hath done for many years last past; for improving the Herring Fishing upon our own coasts; which will be of mighty use in the employment of the poor, and a plentiful nursery of mariners for enabling the kingdom in any great action.—The oppositions, obstructions, and other difficulties wherewith we have been encountered, and which still lie in our way, with some strength and much obstinacy, are these; The Malignant Party, whom we have formerly described to be the actors and promoters of all our misery, they have taken great heart again, and have been able to prefer some of their own factors and agents to Degrees of Honour, to places of trust and employment, even during the parliament: they have endeavoured to work in his majesty ill impressions and opinions of our proceedings, as if we had altogether done our own work, and not his; and had obtained from him many things very prejudicial to the crown, both in respect of prerogative and profit.—To wipe out the first part of this slander, we think good only to say thus much, That all that we have done is for his majesty, his greatness, honour and support. When we yielded to give 25,000*l.*

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a month for the relief of the Northern counties, this was given to the king; for he was bound to protect his subjects. They were his majesty's evil counsellors, and their ill instruments, that were actors in those grievances which brought in the Scots: and if his majesty please to force those who were the authors of this war to make satisfaction, as he might justly and easily do, it seems very reasonable that the people might well be excused from taking upon them this burden, being altogether innocent, and free from being any causes of it. When we undertook the charge of the army, which cost above 50,000*l.* a month, was not this given to the king? Was not his majesty's army; were not all the commanders under contract with his majesty, at higher rates and greater wages than ordinary? And have not we taken upon us to discharge all the Brotherly Assistance of 300,000*l.* which we gave the Scots? Was it not towards repair of those damages and losses which they received from the king's ships, and from his ministers? These three particulars amount to above 1,100,000*l.* Besides, his majesty hath received, by impositions upon merchandize, at least 400,000*l.* so that his majesty hath had out of the subjects purse, since the parliament began, one million and a half; and yet these men can be so impudent as to tell his majesty, that we have done nothing for him. As to the second branch of this Slander: We acknowledge, with much thankfulness, that his majesty hath passed more good bills to the advantage of the subjects, than have been in many ages; but withal we cannot forget, that these venomous counsels did manifest themselves, in some endeavours, to hinder these good acts. And, for both houses of parliament, we may, with truth and modesty, say thus much, That we have ever been careful not to desire any thing that should weaken the crown, either in just profit or useful power.—The Triennial Parliament, for the matter of it, doth not extend, to so much as, by law, we ought to have required; there being two statutes, still in force, for a parliament to be once a year; and, for the manner of it, it is in the king's power that it shall never take effect, if he, by a timely summons shall prevent any other way of assembling.—In the bill for 'Continuance of this present Parliament,' there seems to be some restraint of the royal power in dissolving of parliaments; yet not to take it out of the crown, but to suspend the execution of it for this time and occasion only: which was so necessary for the king's own security and the public peace, that, without it, we could not have undertaken any of these great charges; but must have left both the armies to disorder and confusion, and the whole kingdom to blood and rapine.—The Star-Chamber was much more fruitful in oppression than in profit; the great fines being, for the most part, given away, and the rest stated at long times.—The fines of the High Commission were, in themselves, unjust, and seldom or never came into the king's purse. These four bills are particularly and more specially instanced; in the rest there will not be found so much as a shadow of prejudice to the crown.—They have sought to diminish our reputation with the people, and to bring them out of love with parliaments. The aspersions which they have attempted this way have been such as these, That we have spent much time, and done little; especially in those Grievances which concern Religion: that the parliament is a burthen to the kingdom, by the abundance of protections, which hinder justice and trade; and, by many Subsides granted, much more heavy than any they formerly endured.—To which there is a ready Answer: If the time spent in this parliament be considered in relation, backward, to the long growth and deep root of those Grievances, which we have removed; to the powerful supports of those delinquents, which we have pursued; to the great necessities and other charges of the commonwealth, for which we have provided: or, if it be considered in relation, forward, to many advantages, which not only the present, but future ages are like to reap by the good laws and other proceedings in this parliament, we doubt not but it will be thought, by all indifferent judgments, that our time hath been much better employed than in a far greater proportion of time in many former parliaments put together. And the charges which have been laid upon the subject, and the other inconveniences which they have borne, will seem very light, in respect of the benefit they have had, and may receive. And for the matter of Protections: the parliament is so sensible of it, that therein they intend to give them whatsoever ease may stand with honour and justice; and are in a way of passing a bill to give them satisfaction.—They have sought, by many subtle practices, to cause jealousies and divisions betwixt us and our brethren of Scotland; by slandering their proceedings and intentions towards us; and, by secret endeavours, to instigate and incense them and us one against another. They have had such a party of Bishops and Popish lords in the house of peers, as hath caused much opposition and delay in the prosecution of delinquents; and hindred the proceedings of divers good bills, passed in the commons house, concerning the reformation of sundry great abuses and corruptions both in church and state. They have laboured to seduce and corrupt some of the commons house, to draw them into conspiracies and combinations against the liberty of the parliament; and, by their instruments and agents, they have attempted to disaffect and discontent his majesty's army, and to engage it for the maintenance of their wicked and traiterous designs; the keeping up of Bishops in votes and functions, and, by force, to compel the parliament to order, limit, and dispose their proceedings in such manner as might best concur with the intentions of this dangerous and potent faction. And when one mischievous design and attempt of theirs, to bring on the army against the parliament and the city of London, had been dis-

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covered and prevented, they presently undertook another of the same damnable nature; with this addition to it, to endeavour to make the Scots army neutral, whilst the English army (which they had laboured to corrupt and invenom against us, by their false and slanderous suggestions) should execute their malice to the subversion of our religon, and the dissolution of the government.—Thus they have been continually practising to disturb the peace, and plotting the destruction, even of all the king's dominions; and have employed their emissaries and agents, in them all, for the promoting of their devilish designs; which the vigilancy of those who were well affected hath still discovered and defeated, before they were ripe for execution in England and Scotland; only in Ireland, which was farther off, they have had time and opportunity to mould and prepare their work, and had brought it to that perfection, that they had possessed themselves of that whole kingdom; totally subverted the government of it, rooted out religion, and destroyed all the Protestants, whom the conscience of their duty to God, their king and country, would not premit to join with them; if, by God's wonderful providence, their main enterprize upon the city and castle of Dublin had not been detected and prevented, upon the very eve before it should have been executed: Notwithstanding, they have, in other parts of that kingdom, broken out into open rebellion: surprizing towns and castles; committing murders, rapes, and other villanies; and shaken off all bonds of obedience to his majesty, and the laws of the realm; and, in general, have kindled such a fire, as nothing but God's infinite blessing upon the wisdom and endeavours of this state, will be able to quench. And certainly, had not God in his great mercy unto this land, discovered and confounded their former designs, we had been the prologue to this tragedy in Ireland; and had, by this time, been made the lamentable spectacle of misery and confusion.—And now, what hope have we but in God; when the only means of our subsistance, and power of reformation, is, under him, in the parliament? But what can we the commons do, without the conjunction of the house of lords? And what conjunction can we expect there, where the Bishops and Recusant lords are so numerous and prevalent, that they are able to cross and interrupt our best endeavours for reformation; and, by that means, give advantage to this malignant party to traduce our proceedings? They infuse into the people, 'That we mean to abolish all church government, and leave every man to his own fancy for the service and worship of God; absolving him of that obedience which he owes, under God, unto his majesty;' whom we know to be intrusted with the ecclesiastical law as well as with the temporal, to regulate all the members of the church of England by such rules of order and discipline as are established by parliament, which is his great council in all affairs both in church and state. We confess our intention is, and our endeavours have been, to reduce within bounds that exorbitant power which the prelates have assumed unto themselves, so contrary both to the Word of God, and to the laws of the land; to which end we passed the bill for the removing them from their Temporal Power and Employments, that so the better they might, with meekness, apply themselves to the discharge of their functions: which bill themselves opposed, and were the principal instruments of crossing it.—And we do here declare, That it is far from our purpose or desire to let loose the golden reins of discipline and government in the church; to leave private persons, or particular congregations, to take up what form of divine service they please; for we hold it requisite, that there should be, throughout the whole realm, a conformity to that order which the laws injoin, according to the Word of God: and we desire to unburden the consciences of men of needless and superstitious ceremonies, suppress innovations, and take away the monuments of idolatry. And, the better to effect the intended reformation, we desire there may be a general synod of the most grave, pious, learned, and judicious divines of this island, assisted with some from foreign parts, professing the same religion with us, who may consider of all things necessary for the peace and good government of the church; and represent the results of their consultations unto the parliament, to be there allowed of and confirmed, and receive the stamp of authority, thereby to find passage and obedience throughout the kingdom.—They have maliciously charged us, 'That we intend to destroy and discourage learning;' whereas it is our chiefest care and desire to advance it, and to provide a competent maintenance for conscionable and preaching ministers throughout the kingdom; which will be a great encouragement to scholars, and a certain means whereby the want, meanness, and ignorance, to which a great part of the clergy is now subject, will be prevented. And we intend likewise to reform and purge the fountains of learning, the two Universities, that the streams flowing from thence may be clear and pure, and an honour and comfort to the whole land.—They have strained to blast our proceedings in parliament, by wresting the interpretations of our Orders from their genuine intention. They tell the people, 'That our meddling with the power of Episcopacy, hath caused sectaries and conventicles;' when Idolatry and Popish ceremonies, introduced into the church by the command of the bishops, have not only debarred the people from thence, but expelled them from the kingdom. Thus, with Elijah, we are called by this malignant party, The Troublers of the State: And still while we endeavour to reform their abuses, they make us the authors of those mischiefs we study to prevent.—For the perfecting of the work begun, and removing all future impediments, we conceive these courses will be very effectual, seeing the religion of the Papists hath such prin-

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ciples as do certainly tend to the destruction and extirpation of all Protestants, when they shall have opportunity to effect it:—In the first place, it is necessary, to keep them in such condition, as that they may not be able to do us any hurt: and, for avoiding of such connivance and favour, as hath heretofore been shewed unto them, that his majesty be pleased to grant a standing commission to some choice men, named in parliament, who may take notice of their increase, their counsels, and proceedings; and use all due means, by execution of the laws, to prevent any mischievous designs against the peace and safety of this kingdom. 2dly, That some good course be taken to discover the counterfeit and false conformity of Papists to the church; by colour whereof persons, very much disaffected to the true religion, have been admitted into places of greatest authority and trust in the kingdom. 3dly, For the better preservation of the laws and liberties of the kingdom, that all illegal Grievances and Exactions be presented and punished at the sessions and assizes; and that Judges and Justices be careful to give this in charge to the Grand Jury; and both the Sheriffs and Justices to be sworn to the due execution of the Petition of Right, and other laws. 4thly, That his majesty be humbly petitioned, by both houses, to employ such counsellors, ambassadors, and other ministers, in managing his business at home and abroad, as the parliament may have cause to confide in; without which we cannot give his majesty such Supplies for support of his own estate, nor such assistance to the Protestant party beyond the sea, as is desired.—It may often fall out that the commons may have just cause to take exceptions at some men for being counsellors, and yet not charge those men with crimes; for there be grounds of diffidence which lye not in proof; there are others which, though they may be proved, yet are not legally criminal. To be a known favourer of Papists; or to have been very forward in defending or countenancing some great offenders, questioned in parliament; or to speak contemptuously of either houses of parliament, or parliamentary proceedings; or such as are factors or agents for any foreign prince of another religion; such as are justly suspected to get counsellors places, or any other of trust concerning public employment for money. For all these, and divers others, we may have great reason to be earnest with his majesty not to put his great affairs into such hands, though we may be unwilling to proceed against them in any legal way of charge or impeachment. 5thly, That all counsellors of state may be sworn to observe the laws which concern the subject in his liberty; that they may likewise take an oath not to receive, or give, reward or pension to, or from, any foreign prince, but such as they within some reasonable time discover to the lords of his majesty's council; and although they should wickedly forswear themselves, yet it may herein do good, to make them known to be false and perjured to those who employ them, and thereby bring them into as little credit with them as with us:—That his majesty may have cause to be in love with good counsel and good men, by shewing him, in an humble and dutiful manner, how full of advantage it would be to himself, to see his own estate settled in a plentiful condition to support his honour; to see his people united in ways of duty to him, and endeavours for the public good; to see happiness, wealth, peace, and safety derived to his own kingdom, and procured to his allies, by the influence of his own power and government: That all good courses may be taken to unite the two kingdoms of England and Scotland, to be mutually aiding and assisting one another, for the common good of the island, and honour of both: To take away all differences among ourselves for matters indifferent in their own nature concerning Religion, and to unite ourselves against the common enemies; which are the better enabled, by our divisions, to destroy us, as they hope and have often endeavoured: To labour by all offices of friendship, to unite the foreign churches with us in the same cause; and to seek their liberty, safety, and prosperity, as bound thereunto, both by charity to them, and by wisdom for our own good; for, by this means, our strength shall be increased, and, by a mutual concurrence to the same common end, we shall be enabled to procure the good of the whole body of the Protestant profession. If these things may be observed, we doubt not but God will crown this parliament with such success, as shall be the beginning and foundation of more honour and happiness to his majesty, than ever was yet enjoyed by any of his royal predecessors."

The Speaker's Speech at presenting a Bill for Continuance of Tonnage and Poundage.] Dec. 2. The king came to the house of lords, and sending for the commons, the Speaker, with the whole house, came up with the bill of Tonnage and Poundage; when he delivered himself to the king in this speech:*

"Most Dread Sovereign; The observation, taken from the unlike compositions and various motions of the world, made the philosophers conclude that 'Tota hujus mundi concordia ex discordibus constat.' The happy conjunction of both these nations, in the triumph and joy of your sacred presence, extracted from the different dispositions and opinions, give us cause to observe and admire these blessed effects from such contrary causes: we may, without flattery, commend your sacred majesty as the glorious instrument of this happy change, whose piety and prudence, directed by the hand of God, hath contracted this union from those various discords. The story of these times will seem paradoxes in following generations, when they shall hear of peace sprung from the root of dissention; of union planted

* From the original edition, printed by Joseph Hunscut.

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upon the stock of divisions; two armies in the field both ready to strike the first blow, and both united without a stroke. Nothing can reduce these truths into a belief, but the knowledge of your piety and justice, who have accomplished these acts of wonder, by goodness and gentleness, without force or violence. This way of conquest, this Bellum incruentum, hath been the rule of the most valiant and puissant monarchs; advancing their glory in the safeguard of one subject, more than in the death of a thousand enemies: and thus have you erected a monument of glory to your sacred memory for all generations.—And as your care and piety for the welfare of your Northern kingdom, called you to that work, for the great comfort of your people, which your wisdom hath so happily consummated; so, now, the distemper of your other kingdom, fomented by the same spirit, whose presence admits no peace in Israel, calls on your providence to heal the diseases of that nation.—The one from whence you returned, hath, with Abel, though the younger brother, offered an acceptable sacrifice; the other, with Cain, hath erected altars for blood and revenge (the old immolations of the Levitical priesthood) which invokes the necessity of your justice: the one, to a natural hath added a politic brotherhood; the other, of brothers, I am sorry to say it, are become strangers: The fidelity of the one hath written a story of admiration to the world; the disloyalty of the other hath paralleled that horrid design, matchless before amongst all generations; 1st, In their intentions, the destruction of a kingdom, even when unity and peace were tying the knot of religion and safety. 2dly, In the discovery, a moment of time prevented the execution. 3dly, In the actors, Jesuits and Priests, without whom the malice of the Devil could not have found a party in the world, fitted to act over the like bloody tragedy.—But this, among the many joys we receive by your happy return, is not the least, That the same providence which protected that gracious king, your most religious father, from their bloody attemps, and increased the blessing of a long and happy reign, hath also defended your sacred throne from all their machinations.—Thus we see Religion is the greatest policy, the never-failing support of king and kingdom; that which firms you and your posterity to your throne, and our duty and obedience to it.—Give me leave here, most gracious sovereign, to sum up the sense of eleven months observation, without intermission scarce of a day, nay an hour in that day, to the hazard of life and fortune; and to reduce all into this conclusion, That the endeavours of your commons assembled, guided by your pious and religious example, is to preserve Religion in its purity, without mixture or composition, against these subtle invaders; and, with our lives and fortunes, to establish this throne to your sacred person, and those beams of majesty, your royal progeny, against all treason and rebellion.—The ways that conduce to this end, are the Defence of the Land and Sea; for the one we have already voted to raise Money: for the other, this bill, in some measure, will accomplish for a little time; and, to that end, I, by the command of the commons, humbly beseech your royal assent."

The King's Speech to both Houses on his Return from Scotland.] When the Speaker had ended, and the royal assent given to the bill, the king himself spoke as follows:

"My lords and gentlemen; I think it fit, after so long absence, at this first occasion to speak a few words unto you: but it is no ways in answer to Mr. Speaker's learned speech. Albeit I have stayed longer than I expected to have done when I went away; yet, in this, I have kept my promise with you, that I have made all the haste back again, that the settling of my Scots affairs could any ways permit: In which I have had so good success, that I will confidently affirm to you, that I have left that nation a most peaceable and contented people; so that although I have a little misreckoned in time, yet I was not deceived in my end. But if I have deceived your expectations a little, in the time of my return; yet I am assured, that my expectation is as much and more deceived, in the condition wherein I hoped to have found businesses at my return: for, since that, before my going, I settled the liberties of my subjects, and gave the laws a free and orderly course, I expected to have found my people reaping the fruits of these benefits, by living in quietness and satisfaction of mind:—But, instead of this, I find them disturbed with jealousies, frights, and alarms of dangerous designs and plots, in consequence of which guards have been set to defend both houses. I say not this, as in doubt that my subjects affections are any way lessened to me in this time of my absence; (for I cannot but remember, to my great comfort, the joyful reception I had now at my entry into London) but rather, as I hope, that my presence will easily disperse these fears; for I bring as perfect and true affections to my people as ever prince did, or as good subjects can possibly desire; and I am so far from repenting me of any act I have done this session for the good of my people, that I protest, if it were to do again, I would do it; and will yet grant what else can be justly desired for satisfaction in point of liberties, or in maintenance of the true religion that is here established.—Now, I have but one particular to recommend unto you at this time: it is Ireland; for which, though I doubt not your care, yet methinks, the preparations for it go but slowly on. The occasion is the fitter for me now to mention it, because of the arrival of two lords from Scotland, who come instructed from my council there, (who now by act of parliament, hath full power for that purpose) to answer that demand, which it pleased both houses to make me, by way of Petition, that met me at Berwick, and which the duke of Richmond sent back, by my com-

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mand, to my Scots council. Therefore my desire is, That both houses would appoint a select committee, to end this business with these noblemen. I must conclude in telling you, that I seek my peoples happiness; for their flourishing is my greatest glory, and their affections my greatest strength."

A Committee appointed to treat with the Scots.] Dec. 3. According to the tenor of his majesty's speech, in regard to some lords coming as commissioners out of Scotland, about the Irish Rebellion, both houses thought proper to nominate some of their body, to treat with them on that business. The earl of Bedford, and the earl of Leicester, lord lieutenant of Ireland, with lord Howard of Escrick, were appointed by the lords; and Mr. N. Fiennes, sir Wm. Armyn, sir Philip Stapylton, and Mr. Hampden, by the commons, to treat with the Scots commissioners, according to the king's directions. The commons, also, ordered the King's Speech to be entered in their Journals; a thing not usual in former sessions.

Dec. 8. The king sent a message to the lords, "That it was his desire both houses would consider of, and prepare, Instructions for their commissioners to treat with the Scots about the Irish Affairs, and present them to him." He also sent to inform both houses, "That the French ambassador had petitioned for 8 Priests condemned this week; and that they might be imprisoned or banished, rather than be executed, because it might concern the settling of affairs in Ireland." In this his majesty desired the advice of parliament.

The house of commons sent up the Instructions for the Treaty with the Scots; which was only to make the best agreement with them they could, for transporting five thousand men into Ireland, and paying for them; and to express the thanks of both houses, for their readiness to assist in that business.

The Irish Rebels require the free Exercise of their Religion.] This day both houses being informed, That the Irish Rebels had presented a Remonstrance for peace, the terms of which were, To have the free exercise of their religion, and a repeal of all laws to the contrary, &c. after a solemn debate, it was resolved by both lords and commons, "That they would never give consent to any toleration of the Popish religion, in Ireland, or any other of his majesty's dominions." In this debate in the house of commons,

Sir *Benj. Rudyard* spoke as follows: * 'Mr. Speaker; Peradventure I could have wished that toleration in religion had not, at this time, come in question; yet now that it is brought on the stage I am brought to the stake. When religion is so nearly concerned, I love not to take any civil or politic respects into consideration: reasons of state have almost eaten up all the laws and religion of Christendom. I have often heard it discoursed, Whether we should make religion an argument of any of our undertakings abroad? Herein the wiser sort have been very nice and tender; believing that the over-number of Papists would overwhelm us; yet I have been long of opinion, that our attempts and assistance have so often miscarried, because we have not boldly and publickly avowed our religion. It may be God, who can conquer as well with few as with many, thinks we are too many. Shall the Irish now make their religion the cause of their rebellion, and shall we be ashamed or afraid to maintain our religion, in reducing them to their duty or obedience? God will not honour them who do not honour him. Let us remember the expostulation in the Chronicles, 'Why transgress ye, the commands of God, so that ye cannot prosper? This is a great transgress, to shrink from God in his truth. When we deny the Irish a toleration, we do not withdraw the ease and favours they have heretofore enjoyed; greater, I am sure, than they would afford us, if we were in their power: wherefore, Mr. Speaker, let us uphold our religion, and trust God with the success.'

State of the National Debt.] Dec. 9. Sir John Hotham delivered in to the commons the State of the National Accounts and Debts; by which it appears that the latter then amounted to 504,044*l.* 4*s.* 5*d.* Ordered to go upon this peremptorily on Monday next, the 13th instant.

Votes of the Commons concerning the condemned Priests.] Dec. 11. The king not having received any answer from the parliament concerning the condemned Priets, he sent to the house of lords again, acquainting them, that they were ordered for execution in two days time, unless reprieved. This being communicated to the commons, they went to voting on these men's lives separately; on which there were three divisions in the house, and mercy prevailed so far, that two of them were voted to be spared: though one had a near run for his life, the division being only 74 against 73. Some altercations happened, afterwards, between the houses, about these priests; but the commons sending up a letter from Ireland, of the bloody massacre the rebels were making in that kingdom, both houses joined in a petition to his majesty to take off his reprieve, and suffer them all to be executed: but this not being complied with, they were all afterwards banished.

Dec. 14. The king came to the house of lords, when, being seated on the throne, and the commons present, he made this Speech to both houses:

"My lords and gentlemen; The last time I was in this place, and the last thing that I recommended unto you, was the business of Ireland; whereby I was in good hope that I should not have needed again to have put you in mind of that business: but still seeing the slow proceedings therein, and the daily dispatches that I have out of Ireland, of the lamentable estate of my Protestant subjects there, I cannot

* From the Collection of this gentleman's speeches, printed by Francis Constable, 1641.

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but again earnestly commend the dispatch of that expedition unto you; for it is the chief business that, at this time, I take to heart, and there cannot, almost, be any business that I can have more care of. I might now take up some of your time in expressing my detestation of rebellions in general, and of this in particular; but knowing that deeds, and not declarations, must suppress this great insolency, I do here, in a word, offer you whatsoever my power, pains, or industry, can contribute to this good and necessary work of reducing the Irish nation to their true and wonted obedience.—And, that nothing may be omitted on my part, I must here take notice of the bill for pressing of Soldiers, now depending among you, my lords; concerning which, I here declare, That in case it come so to me, as it may not infringe or diminish my prerogative, I will pass it *. And further: seeing there is a dispute raised (I being little beholden to him whosoever at this time began it) concerning the bounds of this ancient and undoubted prerogative; to avoid further debate at this time, I offer, that the bill may pass with a *salvo jure* both for king and people, leaving such debates to a time that may better bear them. If this be not accepted, the fault is not mine that this bill pass not, but theirs that refuse so fair an offer. To conclude: I conjure you, by all that is or can be dear to you or me, that, laying away all disputes, you go on cheerfully and speedily for the relief of Ireland."

The King's Speech voted to be a Breach of Privilege.] No sooner was the king departed than both houses fell warmly into debate, on that part of his Speech which mentions the Press-Act. After many disputes and some conferences about it, both houses agreed in these Resolutions; "It is their opinion, that the privileges of parliament were broken, 1. By his majesty's taking notice of the Bill for Pressing, it being in agitation in both houses, and not agreed on. 2. In that his majesty should propound a limitation and provisional clause to be added to the bill, before it was presented to him by the consent of both houses. 3. In that his majesty did express his displeasure against some persons, for matters moved or debated in parliament, during the debate and preparation of that bill. 4. That a Declaratory Protestation be entered into, by both houses, for the claim of these privileges and liberties; and that a Petitionary Remonstrance be drawn up and presented to his majesty, about them."

In the heat of these debates, in the house of lords, the lord Pierrepoint happening to say, "That it was not honourable for that house to be in such a noise and tumult," the lords thought these words a great offence against so high a Court; and therefore he was committed to the custody of the gentleman-usher; but, upon his humble petition, the next day he was released

The Commons resolve to print their Petition and Remonstrance.] The same day the commons resolved to give present orders for the printing of their Remonstrance, or Declaration, concerning the State of the Kingdom, on a division, Yeas 135, Noes 83.

The Commons having printed and published their Petition and Remonstrance, the King gave orders for printing and publishing his Answer to the Petition, and also a Declaration as follows:

The KING'S ANSWER to the COMMONS PETITION, which accompanied their REMONSTRANCE concerning the State of the Nation, (p. 943).

"We having received from you, soon after our return out of Scotland, a long Petition, consisting of many desires of great moment, together with a Declaration of a very unusual nature annexed thereunto, we had taken some time to consider of it, as befitted us in a matter of that consequence; being confident, that your own reason and regard to us, as well as our express intimation, by our comptroller to that purpose, would have restrained you from the publishing of it, until such time as you should have received our Answer to it: but, much against our expectation, finding the contrary, that the said Declaration is already abroad in print, by directions from your house, as appears by the printed copy, we must let you know that we are very sensible of this disrespect: notwithstanding, it is our intention that no failing on your part shall make us fail in ours, of giving all due satisfaction to the desires of our people in a parliamentary way; and therefore we send you this Answer to your Petition, reserving ourself in point of the Declaration, which we think unparliamentary, and shall take a course to do that which we shall think fit in prudence and honour.—To the Petition we say, That although there are divers things in the preamble of it, which we are so far from admitting, that we profess we cannot understand them; as, of a wicked and malignant party prevalent in the government; of some of that party admitted to our privy-council, and to other employments of trust, and nearest to us and our children; of endeavours to sow among the people false scandals and imputations, to blemish and disgrace the proceedings of the parliament: All, or any of which, did we know of, we should be as ready to remedy and punish, as you to complain of. That the prayers of your Petition are grounded upon such premises as we must in no wise admit; yet, notwithstanding, we are pleased to give this Answer to you.—To the first, concerning Religion, consisting of several branches, we say, That, for the preserving the peace and safety of the kingdom from the

* In the preamble to this bill, as sent up by the commons to the lords, it was declared, "That the king had, in no case, or upon any occasion, but the invasion from a foreign power, authority to press the free-born subject; that being inconsistent with the freedom and liberty of his person."

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designs of the Popish party, we have and will still concur with all the just desires of our people in a parliamentary way: that for the depriving of the Bishops of their Votes in parliament, we would have you consider that their right is grounded upon the fundamental law of the kingdom, and constitution of parliament. This we would have you consider; but since you desire our concurrence herein, in a parliamentary way, we will give no further Answer at this time.—As for the abridging of the inordinate Power of the Clergy; we conceive that the taking away the High Commission Court hath well moderated that; but if there continue any usurpations or excesses in their jurisdictions, we therein neither have nor will protect them.—Unto that clause which concerneth Corruptions, as you style them, in Religion, in Church Government, and in Discipline; and the removing of such unnecessary Ceremonies as weak consciences might cheque at: that for any illegal Innovations, which may have crept in, we shall willingly concur in the removal of them. That if our parliament shall advise us to call a National Synod, which may duly examine such ceremonies as give just cause of offence to any, we shall take it into consideration, and apply ourself to give due satisfaction therein; but we are very sorry to hear, in such general terms, Corruption in Religion objected; since we are persuaded in our conscience, that no church can be found upon the earth that professeth the true religion with more purity of doctrine than the church of England doth; nor where the government and discipline are jointly more beautified, and free from superstition, than as they are here established by law; which, by the grace of God, we will with constancy maintain, while we live, in their purity and glory; not only against all invasions of Popery, but also from the irreverence of those many Schismaticks and Separatists, wherewith, of late, this kingdom and this city abounds, to the great dishonour and hazard both of Church and State; for the suppression of whom, we require your timely and active assistance.—To the second prayer of the Petition, concerning the Removal and Choice of Counsellors: we know not any of our counsel to whom the character, set forth in the Petition, can belong. That, by those whom we have exposed to trial, we have already given you sufficient testimony that there is no man so near unto us in place or affection, whom we will not leave to the justice of the law, if you shall bring a particular charge and sufficient proofs against him; and of this we do again assure you: but, in the mean time, we wish you to forbear such general aspersions as may reflect upon all our council, since you name none in particular.—That for the Choice of our Counsellors and Ministers of State, it were to debar us that natural liberty all freemen have; and as it is the undoubted right of the crown of England, to call such persons to our secret councils, to public employment, and our particular service, as we shall think fit; so we are, and ever shall be, very careful to make election of such persons in those places of trust, as shall have given good testimonies of their abilities and integrity, and against whom there can be no just cause of exception, whereon reasonably to ground a diffidence; and to choices of this nature, we assure you that the mediation of the nearest unto us hath always concurred.—To the third Prayer of your Petition, concerning Ireland: we understand your desire of not alienating the forfeited lands thereof to proceed from your much care and love, and likewise that it may be a resolution very fit for us to take; but whether it be seasonable to declare resolutions of that nature before the events of a war be seen, that we much doubt of. Howsoever, we cannot but thank you for this care, and your chearful engagement for the suppression of that Rebellion; upon the speedy effecting whereof, the glory of God in the Protestant profession, the safety of the British there, our honour, and that of the nation so much depends; all the interests of this kingdom being so involved in that business, we cannot but quicken your affections therein, and shall desire you to frame your counsels, and to give such expedition to the work, as the nature thereof, and the pressure in point of time, requires; and whereof you are put in mind by the daily insolence and increase of those rebels.—For conclusion, you promise to apply yourselves to such courses as may support our royal estate with honour and plenty at home, and with power and reputation abroad: this is that which we have ever promised ourself, both from your loyalties and affections, and also for what we have already done, and shall daily go adding unto, for the comfort and happiness of our people."

His MAJESTY'S DECLARATION to all his loving Subjects, published with the Advice of his Privy Council, in ANSWER to the REMONSTRANCE of the Commons, (p. 946).

"Although we do not believe that our house of commons intended, by their Remonstrance of the State of the Kingdom, to put us to any apology, either for our past or present actions: notwithstanding, since they have thought it so very necessary, upon their observation of the present distempers, to publish the same, for the satisfaction of all our loving subjects, we thought it very suitable to the duty of our place, with which God hath trusted us, to do our part to so good a work; in which we shall not think it below our kingly dignity to descend to any particular, which may compose and settle the affections of our meanest subjects; since we are so conscious to ourself of such upright intentions and endeavours, and only of such, for which we give God thanks, for the peace and happiness of our kingdom, in which the prosperity of our subjects must be included, that we wish from our heart, that even our most secret thoughts were published to their view and examination: though we must confess, we cannot but be very sorry in this conjuncture of

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time, when the unhappiness of this kingdom is so generally understood abroad, there should be such a necessity of publishing so many particulars; from which, we pray, no inconveniences may ensue that were not intended.—We shall, in few words, pass over that part of the narrative, wherein the misfortunes of this kingdom, from our first entering to the crown to the beginning of this parliament, are remembered in so sensible expressions: and that other, which acknowledgeth the many good laws, passed by our grace and favour, in this parliament, for the security of our people; of which we shall only say thus much, That as we have not refused to pass any bill presented to us by our parliament, for redress of those Grievances mentioned in the Remonstrance, so we have not had a greater motive for the passing those laws than our own resolution, grounded upon our observation, and understanding the state of our kingdom, to have freed our subjects, for the future, from those pressures which were grievous to them, if those laws had not been propounded; which, therefore, we shall as inviolably maintain, as we look to have our own rights preserved; not doubting but all our loving subjects will look on those Remedies with that full gratitude and affection, that even the memory of what they have formerly undergone by the accidents and necessities of those times, will not be unpleasant to them: and, possibly, in a pious sense of God's blessing upon this nation, how little share soever we shall have of the acknowledgment, they will confess they have enjoyed a great measure of happiness, even these last 16 years, both in peace and plenty; not only comparatively in respect of their neighbours, but even of those times which were justly accounted fortunate.—The fears and jealousies, which may make some impression in the minds of our people, we will suppose may be of two sorts; either for Religion, or Liberty, and their Civil Interests. The fears for Religion may haply be, not only as ours here established may be invaded by the Romish party, but as it is accompanied with some Ceremonies, at which some tender consciences really are, or pretend to be, scandalized; for of any other which have been used without any legal warrant or injunction, and already are, or speedily may be abolished, we shall not speak.—Concerning Religion: as there may be any suspicion of favour or inclination to the Papists, we are willing to declare to all the world, That as we have been, from our childhood, brought up in, and practised the religion now established in this kingdom, so it is well known we have, not contented simply with the principles of our education, given a good proportion of our time and pains, to the examination of the grounds of this religion, as it is different from that of Rome; and are, from our soul, so fully satisfied and assured that it is the most pure and agreeable to the sacred Word of God, of any religion now practised in the Christian world, that as we believe we can maintain the same by unanswerable reasons, so we hope we should readily seal it by the effusion of our blood, if it pleased God to call us to that sacrifice: and therefore nothing can be so acceptable unto us, as any proposition which may contribute to the advancement of it here, or the propagation of it abroad, being the only means to draw down a blessing from God upon ourselves and this nation. And we have been extremely unfortunate if this profession of ours be wanting to our people; our constant practice in our own person having always been, without ostentation, as much to the evidence of our care and duty herein, as we could possibly tell how to express.—For differences amongst ourselves, for matters indifferent in their own nature concerning Religion, we shall, in tenderness to any number of our loving subjects, very willingly comply with the advice of our parliament, that some law may be made for the exemption of tender consciences from punishment or prosecution for such Ceremonies, and in such cases, which, by the judgment of men, are held to be matters indifferent, and of some to be absolutely unlawful; provided that this ease be attempted and pursued with such modesty, temper, and submission, that, in the mean time, the peace and quiet of the kingdom be not disturbed, the decency and comeliness of God's service discountenanced, nor the pious, sober, and devout actions of those reverend persons who were the first labourers in the blessed Reformation, or of that time, be scandalized and defamed: for we cannot, without grief of heart, and without some tax upon ourself and our ministers for the not executing of our laws, look upon the bold licence of some men, in printing of pamphlets, in preaching and printing of sermons, so full of bitterness and malice against the present government and the laws established, so full of sedition against ourself and the peace of the kingdom, that we are many times amazed to consider by what eyes these things are seen, and by what ears they are heard; and therefore we have good cause to command, as we have done, and hereby do, all our judges and ministers of justice, our attorney and solicitor general, and the rest of our learned counsel, to proceed with all speed against such and their abettors; who, either by writing or words, have so boldly and maliciously violated the laws, disturbed the peace of the commonwealth, and, as much as in them lies, shaken the very foundation upon which that peace and happiness is founded and constituted. And we doubt not but all our loving subjects will be very sensible that this busy, virulent, demeanor is a fit prologue to nothing but confusion; and, if not very seasonably punished and prevented, will not only be a blemish to that wholesome accommodation we intend, but an unspeakable scandal and imputation even upon the profession and religion of this our kingdom of England.—Concerning the Civil Liberties and Interests of our Subjects, we shall need to say the less, having erected

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so many lasting monuments of our princely and fatherly care of our people, in those many excellent laws passed by us this parliament; which, in truth, with very much content to ourself, we conceive to be so large and ample, that very many sober men have very little left to wish for.—We understand well the right, and pretences of right, we departed from in the consenting to the bills for the Triennial Parliament; for the Continuance of this present Parliament; and in the preamble to the bill of Tonnage and Poundage; the matter of which, having begot so many disturbances in late parliaments, we were willing to remove, that no interest of ours might hereafter break that correspondence; abundantly contenting ourself with an assurance, which we still have, that we should be repaired and supplied by a just proportion of confidence, bounty, and obedience of our people. In the bills for the taking away the High Commission and Star-Chamber Courts, we believed we had given that real satisfaction, that all jealousies and apprehensions of arbitrary pressures, under the civil or ecclesiastical state, would easily have been abandoned; especially when they saw all possible doubts secured by the visitation of a Triennial Parliament.—These and others of no mean consideration, we had rather should be valued in the hearts and affections of our people, than in any mention of our own; not doubting but, as we have taken all these occasions to make our people happy, so they will always, in a grateful and dutiful relation, be ready, with equal tenderness and alacrity, to advance our rights, and preserve our honour, upon which their own security and subsistence so much depends. And we will be so careful that no particular shall be presented unto us, for the completing and establishing that security, to which we will not, with the same readiness, contribute our best assistance.—If these Resolutions be the effect of our present counsels, (and we take God to witness that they are such, and that all our loving subjects may confidently expect the benefit of them from us) certainly, no ill design upon the public can accompany such resolutions; neither will there be greater cause of suspicion of any persons preferred by us to degrees of honour, and places of trust and employment, since this parliament. And we must confess, that amongst our misfortunes, we reckon it not the least, that having not retained in our service, nor protected, any one person against whom our parliament hath excepted, during the whole sitting of it, and having, in all that time, scarce vouchsafed to any man an instance of our grace and favour, but to such who were under some eminent character of estimation amongst our people, there should so soon be any misunderstanding or jealousy of their fidelity and uprightness; especially in a time when we take all occasions to declare, That we conceive ourself only capable of being served by honest men, and in honest ways: however, if, in truth, we have been mistaken in such our election, the particular shall be no sooner discovered to us, either by our own observation or other certain information, then we will leave them to public justice, under the marks of our displeasure.—If, notwithstanding this, any malignant party shall take heart, and be willing to sacrifice the peace and happiness of their country to their own sinister ends and ambitions, under what pretence of religion and conscience soever; if they shall endeavour to lessen our reputation and interest, and to weaken our lawful power and authority with our good subjects; if they shall go about, by discountenancing the present laws, to loosen the bands of government, that all disorder and confusion may break in upon us, we doubt not but God, in his good time, will discover them unto us; and the wisdom and courage of our high court of parliament join with us in their suppression and punishment.—Having now said all that we can, to express the clearness and uprightness of our intentions to our people, and done all we can to manifest those intentions, we cannot but confidently believe all our good subjects will acknowledge our part to be fully performed, both in deeds past and present resolutions, to do whatsoever, with justice, may be required of us; and that their quiet and prosperity depends, now, wholly upon themselves, and is in their power, by yielding all obedience and due reverence to the law, which is the inheritance of every subject, and the only security he can have for his life, liberty, or estate; and the which being neglected or disesteemed, under what specious shews soever, a great measure of infelicity, if not an irreparable confusion, must, without doubt, fall upon them: And, we doubt not, it will be the most acceptable declaration a king can make to his subjects, That, for our part, we are resolved not only duly to observe the laws ourself, but to maintain them against what opposition soever, though with the hazard of our being.—And our hope is, That not only the loyalty and good affections of all our loving subjects will concur with us, in the constant preserving a good understanding between us and our people; but at this time their own and our interest, and compassion to the lamentable condition of our poor Protestant subjects in Ireland, will invite them to a fair intelligence and unity amongst themselves; that so we may, with one heart, attend the relieving and recovering that unhappy kingdom, where those barbarous rebels practise such inhuman and unheard of outrages upon our miserable people, that no Christian ear can hear without horror, nor story parallel. And as we look upon this as the greatest affliction it hath pleased God to lay upon us, so our unhappiness is increased, in that, by the distempers at home, so early remedies have not been applied to those growing evils, as the expectation and necessity there requires; though for, our part, as we did, upon the first notice, acquaint our parliament of Scotland, where we then were, with that rebellion, requiring their aid and assistance, and gave like speedy inti-

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mation and recommendation to our parliament here; so, since our return hither, we have been forward to all things which have been proposed to us towards that work; and have lately, ourself, offered, by a Message to our house of peers, and communicated to our house of commons, to take upon us the care to raise, speedily, 10,000 English Volunteers for that service, if the commons shall declare that they will pay them; which particulars we are, in a manner, necessitated to publish; since we are informed that the malice of some persons hath whispered it abroad, That the no speedier advancing of this business hath proceeded from some want of alacrity in us to this great work; whereas we acknowledge it a high crime against Almighty God, and inexcusable to our good subjects of our three kingdoms, if we did not, to the utmost, employ all our powers and faculties to the speediest and most effectual assistance and protection of that distressed people.—And we shall now conjure all our good subjects, of what degree soever, by all the bonds of love, duty, or obedience that are precious to good men, to join with us for the recovery of the peace of that kingdom, and the preservation of the peace of this; to remove all their doubts and fears which may interrupt their affection to us, and all their jealousies and apprehensions which may lessen their charity to each other; and then, if the sins of this nation have not prepared an inevitable judgment for us all, God will yet make us a great and glorious king, over a free and happy people."

Protestation of both Houses on the King's Speech on the Pressing Bill.] Dec. 16. The committees appointed by both houses, brought in the form of a Protestation and a Petitional Remonstrance to the king, occasioned by his late speech relating to the Press Act; which, being read, were agreed to, and ordered to be entered in their Journals. The first was in these words:

"Whereas his most excellent majesty did, upon Tuesday last, in full parliament, in a speech to both houses, take notice of a Bill for impressing Soldiers being in agitation in the said houses, and not agreed upon; and did offer a salvo jure, or provisional clause, to be added to the said bill; and did at the same time declare his displeasure against some person or persons, which had moved some doubt or question concerning the same: the lords and commons do protest and declare, That such his majesty's speech is contrary to the fundamental, antient, and undoubted liberty and privilege of parliament; and that it doth of right belong unto them, amongst other privileges of the high court of parliament, that the king ought not to take notice of any matter in agitation or debate, in either of the houses of parliament, but by their information or agreement; and that his majesty ought not to propound any condition, provision, or limitation to any bill or act, in debate or preparation, in either house of parliament; or to manifest or declare his consent or dissent, approbation or dislike of the same, before it be presented unto him by the consent of both houses; and that every particular member, of either house, hath free liberty of speech to propound or debate any matter, according to the order and course of parliament; and that his majesty ought not to conceive displeasure against any man for such opinions and propositions as shall be delivered in such debate: it belonging to the several houses of parliament respectively to judge and determine such errors and offences, in words or actions, as shall be committed by any of their members, in handling or debating any matters there depending. And, for the preservation of the said privileges for the time to come, they do ordain and appoint, That this their Protestation and Declaration shall be entered in both houses; and that an humble Remonstrance and Petition shall be framed and presented to his majesty, in the name of both houses, declaring this their antient and undoubted right; humbly desiring his majesty to observe and maintain the said privileges; and that he will not take notice of any particular man's speech or carriage concerning any matter in treaty and debate in parliament, or conceive any offence or displeasure for the same; but that he will discover, declare, and make known, the name or names of the person or persons, by whose misinformation and evil counsel, he was induced to the breach of the privilege of parliament aforementioned *."

Remonstrance and Petition on the same Subject.] Dec. 17. The archbishop of York, with 17 lords and 40 commoners, waited on the king, at White-Hall, with their Petitionary Remonstrance; which was read to him, in these words:

"To the King's most excellent majesty; The Humble REMONSTRANCE and PETITION of the Lords and Commons in Parliament.

"Most Gracious Sovereign; Your majesty's most humble and loyal subjects, the lords and commons in parliament, do with all faithfulness and zeal to your majesty's service, acknowledge your royal favour and protection to be a great blessing and security to them, for the enjoying and preserving of all those public and private liberties and privileges which belong unto them: and, whensoever those liberties or privileges shall be invaded or broken, they hold themselves bound, with humility and confidence, to trust to your princely justice for redress and satisfaction. And, because the rights and privileges of parliament are the birth-right and inheritance, not only of themselves, but of the whole kingdom, wherein

* Lord Clarendon tells us, That Mr. Solicitor St. John advised the king to come to the house upon this occasion; and that what the king said were the very words he had proposed to him. Vol. I. fol. ed. p. 258.

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every one of your subjects is intitled, (the maintenance and preservation whereof doth very highly conduce to the public peace and prosperity of your majesty, and all your people) they conceive themselves more especially obliged, with all tenderness and care, yea, with all earnestness and constancy of resolution and endeavours, to maintain and defend the same.—Amongst other the privileges of parliament, they do, with all dutiful reverence to your most excellent maj. declare, That it is their antient and undoubted right, that your maj. ought not to take notice of any matter in agitation and debate in either of the houses of parliament, but by their information or agreement; and that your maj. ought not to propound any condition, provision, or limitation to any bill or act in debate or preparation in either house of parliament, or to manifest or declare your consent or dissent, approbation or dislike, of the same, before it be presented to your maj. in due course of parliament; and that every particular member of either house hath free liberty of speech to propound or debate any matter, according to the order and course of parliament; and that your maj. ought not to conceive displeasure against any man for such opinions and propositions as shall be in such debate; it belonging to the several houses of parliament respectively to judge and determine such errors and offences, which, in words or actions, shall be committed by any of their members, in the handling or debating any matters there depending. They do further declare, That all the privileges above mentioned have been lately broken, to so great a grievance of your most humble and faithful subjects, in that speech which your maj. made in parliament to both houses upon the 14th day of this month of Dec. in that your maj. did therein take notice of a Bill for impressing of soldiers, being in agitation in the said houses, and not agreed upon; and that your maj. did therein offer a salvo jure, or provisional clause, to be added to that bill, before it was presented to your maj. by the consent of both houses; and did at the same time, declare your displeasure against such person or persons, as had moved some doubt or question concerning the same bill: all which they do affirm and declare to be against the antient, lawful, and undoubted privilege and liberty of parliament.—And, further, they most humbly beseech your maj. by your royal power and authority, to maintain and protect them in these and other the privileges of your high court of parliament; that you will not for the time to come, break or interrupt the same; and that none of your loyal subjects may suffer and sustain any prejudice in your majesty's favour, or good opinion, for any thing done or spoken in parliament: and, for the reparation of your loyal subjects in this just grievance and complaint for the breaches of their privileges above-mentioned, and prevention of the like for the time to come, that your maj. will be pleased to declare, and make known, the name or names of the person or persons by whose misinformation and evil counsel your maj. was induced to the same, that so he or they may receive condign punishment, as shall appertain to justice in that behalf. And this they most humbly desire, as your greatest and most faithful council; and advise your maj. to perform; as that which will be not only a comfort to themselves, but likewise a great advantage to your maj. by procuring and confirming such a confidence and unity betwixt your maj. and your people, as may be a foundation of honour, safety, and happiness, to your person, and your throne, as they are bound always to pray for and endeavour."

After the lords returned to their house, the archbishop of York reported, That they had waited on the king with the Remonstrance; and his majesty said 'He would send an Answer to it, in writing, in convenient time.' But Mr. Pym's report of it in the house of commons was more particular; He said, 'That the committee had a sudden admittance and a gracious acceptance: that his majesty said, 'As it had taken some time to prepare, so he would take some time to answer it; and that, lest there might be some mistakes in words, he would give his Answer in writing.'

Dec. 18. A message was brought from the commons to accuse Daniel O'Neal, esq. of High Treason; and that the commons would bring up particular Articles against him in due time: upon which the said O'Neal was brought to the bar of the lords, and committed to the gatehouse.

The King's Answer to the Remonstrance.] Dec. 20. A committee of lords and commons was ordered to attend the king, at White-Hall, to receive his majesty's Answer to the late Remonstrance; which was soon after read to the lords, in hæc verba:

"My lords and gentlemen; In answer to your Petition, concerning our speech to both houses the 14th of Dec. last, we do declare, first, That we had no thought or intention of breaking the privileges of parliament; neither are we satisfied, that our being informed of any bill transmitted by the house of commons to the house of peers, especially where our learned counsel are admitted, by the peers, to speak on our behalf, as they were in this case, and therefore our direction necessary therein, can be judged any breach of the privileges of parliament.—And as to our taking notice thereof and desiring the insertion of a saving clause of our rights, we neither willingly nor knowingly did any thing to the breach of the privileges of parliament; but what we did therein was out of the great zeal we had, and ever shall have, to the suppressing the Rebellion in Ireland, the quick dispatch of which bill contributed so much to the effecting thereof; and it could not but have received great delay, had it passed both houses in a way we could not have given our royal assent to.—Neither had we any intention to express our displeasure against any particular man, for any opinion or propositions

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delivered, by way of debate, in either house; for our intention was to express a general dislike of any questions, that should be raised, especially at this time, concerning our prerogative and the liberty of the subject; such as this is being but a preamble, which might be left out, without prejudice to the claim, and could not be approved by us, without concluding our right.—As to the last demand, That we should declare the persons that gave us information; it is no great wonder that we should get information of the contents of the bill, since they were published in print before we spoke of them. Yet, though we should have got notice otherwise, it is a thing much beneath us to name any that should give us information or counsel; it being that which we do not impose upon any person of honour.—Our conclusion is, That we had not the least thought of breaking the privileges of parliament; but shall, by our royal authority, ever protect and uphold them; and we expect, that you will be as careful not to trench upon our just prerogative, as we will not infringe your just liberties and privileges: and then there will be little disagreement, hereafter, between us in that point."

This being read to the house, the lords ordered, "That a transcript of the king's Answer should be sent down to the commons, and that it should be taken into consideration, by themselves, on the 23d."

Farther Proceedings towards suppressing the Rebellion in Ireland.] Dec. 21. Sir Philip Stapylton was sent up with a message to the lords importing, "That the commons had, in the last conference, laid before their lordships the miserable state of that kingdom, and desired them to take the business into speedy consideration: that they now understand that Dublin is in great danger to be lost, 600 men being cut off by the Rebels in going to relieve Tredah, the commons therefore desire that all means may be used for the preservation of that kingdom; and they conceive the best way to do it is by way of diversion, to send the Scots into the province of Ulster, speedily: therefore that house desired their lordships to join with them in the Propositions received from the Scots commissioners for that purpose: the commons declaring, That, if there be any omission, they desire to clear themselves from any thing that may fall to Ireland."—Upon this the lords voted, That 10,000 English soldiers were necessary to be sent, with as many Scots, into Ireland; but mistrusting that the commons would not agree to this, at a conference this day, the lords made the following Propositions to the other house. "1. They desired to know what certainty that house would give this, that if the Proposition concerning the present going of 10,000 Scots, be agreed unto, 10,000 English may speedily follow. 2. Whether they would concur with this house, that one army should go as soon as the other; and that the king may be moved to give his assent to it."—The commons taking these Propositions into consideration, at another conference the same day, returned for answer. "1. For the certainty which their lordships desire of sending 10,000 English into Ireland, the commons say, It is not the course of parliament, nor hath been practised for one house to capitulate with the other: that their actions are free; as without conditions, so without capitulation; and the house of commons desire it may be so no more. 2. The commons think they have given sufficient certainty already, having formerly voted the sending over 10,000 English, and transmitted the same to their lordships; therefore they think it not necessary to vote it again: but do desire their lordships would vote the sending of 10,000 Scots over, by itself, without any relation to the English, and that speedily, the safety of Ireland depending upon it; for they conceive the 10,000 English cannot go until the Press Act passes."

After the hearing of this, the lords went into a debate of the matter, and came to this Resolution, "That 10,000 English and 10,000 Scots shall be sent into Ireland;" and some members of the other house waiting in the Painted Chamber for an Answer, the lords sent to acquaint them with this vote. It was likewise ordered by the lords, "That the committee for keeping a good correspondency between both houses, should meet on Friday, to take into consideration this last message from the commons."

Proceedings on the Dismissal of the Lieutenant of the Tower.] Dec. 23. This day, another circumstance occurred, which occasioned a fresh rupture between the two houses. The house of commons represented to the lords, That they had received information that sir Wm. Balfour, knt. lieutenant of the Tower of London, approved for his fidelity, was put out of his place, and one colonel Lunsford put in; a man very unfit to be trusted with a post of that importance.—To back this, the commons sent up a Petition from divers common-councilmen and others of the city, giving a very bad character of the said colonel, and of which they instanced some circumstances: That he was a man of decayed and desperate fortune; an outlaw; and one suspected to be not right in his religion, since, in the time he was an officer in the king's army in the North, he did not go to church, though desired: therefore they requested the lords to join with them in a Petition to the king, to remove him, and put sir John Conyers in his room. After a long debate, next day, on this affair, the question was put, Whether that house should join with the commons in the matter of this Petition? It was resolved in the negative; and ordered that they should be acquainted therewith.—The reason of the lords refusing to join in this Petition, was, That they took the placing or displacing of the king's officers to be a branch of his prerogative; and therefore they would not meddle with it.

The commons, on this refusal, passed the following vote: Resolved, nem. con. "That this house holds colonel Lunsford unfit to be,

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or continue, lieutenant of the Tower, as being a person whom the commons of England cannot confide in." Another conference was also held upon this subject, which was thus reported by the lord keeper, "That the commons greatly desired, that both houses might have joined together in an humble Petition to his majesty, for removing colonel Lunsford from being lieutenant of the Tower. That they say, they find ill consequences already by his being in that office; for merchants have already withdrawn their bullion out of the mint; and strangers, who have ships lately come with great store of bullion, do forbear to bring it into the mint, because he is lieutenant of the Tower; and, by this means, money will be scarce to come by, which will be prejudicial and obstructive to the pressing affairs of Ireland. The commons took it much to heart, that their lordships did not join with them to petition his majesty: hereupon they have made a Declaration for themselves, and desire that the same may be entered into the Journal-Book of this house, as they have done the like in their house;" which was read in these words:

"We the knights, citizens, and burgesses of the commons house of parliament, being very sensible of the great and imminent danger of the kingdom, through the designs of the Papists, and other persons disaffected to the public peace; and finding, by frequent and imminent symptoms, that the same groweth very near to maturity, amongst which we reckon this not to be the least, That the Tower, being a place of such importance to the safety of the city and the whole kingdom, should be put into the hands of a man so unworthy, and of so dangerous a disposition, as, by divers testimonies, colonel Lunsford is affirmed to be; which caused us yesterday, upon the Petition of the city of London, to desire your lordships to join with us in an humble suit to his majesty, that a place of that great consequence might not be disposed in such a manner as to hazard the safety, peace, and content of the city and of the whole kingdom; and, perceiving that your lordships have refused to join with us in so important and necessary a request, do hereby declare, before God and the whole kingdom, That, from the beginning of this parliament, we have done our uttermost to preserve the state from ruin; and having, through God's blessing, prevailed so far, that the design of the Irish army of Papists; the other designs of bringing up the English army, several times attempted; a former plot of possessing the Tower, without which treason could not be so mischievous to the state, were all prevented; although strongly bent to the destruction of religion, the parliament and the commonwealth: we do now find ourselves encountered with as great difficulty as ever, the Papists rebellion in Ireland giving such encouragement to the malignant party here, and they likewise receiving such advantage, by the delays and interruptions which we have received in the house of peers, as we conceive by the great number of Bishops and Papists notoriously disaffected to the common good: and do therefore hold ourselves bound in conscience to declare and protest, That we are innocent of the blood which is like to be spilt, and of the confusions which may overwhelm this state, if this person be continued in his charge; and do intend to resort to his majesty, in an humble Petition, that he will be pleased to afford us his royal protection, that the kingdom and ourselves may be preserved from this wicked and dangerous design; and that he will grant such commissions and instructions as may enable us to defend his royal person, and his loyal subjects, from the cruelty and rage of the Papists, who have long plotted and endeavoured to bring in a bloody change of religion, to the apparent ruin of the whole kingdom; and if any of your lordships have the same apprehensions that we have, we hope they will likewise take some course to make the same known to his majesty; and will further do what appertains to persons of honour and fidelity for the common good."

After the reading of this paper it was moved, by some lords, to adjourn the debate of this matter till the 27th; others proposed it might be debated presently. And the question being put, Whether the debate upon this report shall be put off until the 27th or not? It was resolved in the affirmative. Whereupon the following Protest was entered in their Journals:

"In respect the conference brought up, and reported from the house of commons, doth, as it is thereby declared, concern the instant good and safety of the king and kingdoms; we do protest against the deferring of the debate thereof until Monday, to the end to discharge ourselves of any ill consequence that may happen. (Signed) Northumberland, lord admiral; Essex, lord chamberlain; Pembroke, Bedford, Warwick, Bolingbroke, Newport, Say and Sele, Suffolk, Carlisle, Holland, Clare, Stamford, Wharton, St. John, Spencer, North, Kymbolton, Brook, Grey de Werke, Roberts, Howard de Escrick."

Complaint concerning a Report of some Members being in a Plot for seizing the Queen.] Dec. 27. This day another affair was started in the house of lords. Information was given to that house, that some members of both houses have had false rumours reported of them: That during the time the king was last in Scotland, it was told the queen, That, at a meeting at Kensington, (where the earl of Essex, the earl of Newport, the lord Say and Sele, the lord Mandeville, the lord Wharton, members of this house; and the lord Dungarvan, Mr. N. Fiennes, sir John Clotworthy, and Mr. John Pym, members of the house of commons, were present) upon a discourse of Plots that should be done in this kingdom or in Scotland, the earl of Newport should say, "If there be such a Plot, yet here are his wife and children;" meaning that the persons of the queen and of her children should be seized upon.—Upon this the earl of Newport stood up,

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and gave the house this account, That, hearing of such an information which had been presented to the queen, he went with some other lords and waited on her majesty; and, with many protestations, assured her, That never any such words were spoken, nor the least thought thereof conceived of any such fact; with which the queen seemed to rest satisfied: but, upon Friday last, his majesty asked him, 'Whether he heard any debate at Kensington, about seizing upon the Queen and her Children;' which his lordship denying, his majesty replied again, 'That he was sorry for his lordship's ill memory.'—The house considering this information to be of consequence; and, because several members of the commons were concerned in it, resolved to have a conference with that house about it, that so they might search into this business, and that the bottom of it might be found out, and the reporter of this false rumour brought to condign punishment: and the abp. of York, the lord admiral, earl of Bristol, earl of Holland, lord Roberts, and lord Savil, were ordered to draw up heads for that conference.

The Petition of both Houses thereupon.] Dec 28. Mr. Glynn presented, from the committee appointed to meet with a committee of lords, for the drawing of a Petition to be presented unto his majesty, concerning a scandal laid upon some members of both houses, a Petition, in hæc verba; which was agreed unto:

"To the KING's most Excellent Majesty. The humble PETITION of the LORDS and COMMONS in this present Parliament assembled.

"Whereas, during the time of your majesty's last being in Scotland, the queen's majesty received information, That, at a meeting in Kensington, where the e. of Essex, the e. of Newport, the lord Say and Sele, the lord Mandeville, the lord Wharton, members of the lords' house; the lord Dungarvon, Mr. N. Fiennes, sir John Clotworthy, and Mr. John Pym, members of the house of commons, were all present, when a discourse of some Plots, that should be done in this kingdom, or in Scotland, the earl of Newport should say, 'If there be such a Plot, yet here are his wife and children;' insinuating the same to signify, that the persons of her majesty, and her children, should be seized upon. And whereas your majesty, upon Friday last, was pleased to demand of the earl of Newport, 'Whether his lordship heard any debate at Kensington, about seizing upon the Queen and her Children;' which when his lordship had denied, with many and deep asseverations, your majesty replied again, 'That he was to tell your majesty no more than you knew already;' and therefore should consider well what he should answer: and his lordship denying it the second time, your majesty, parting from him, replied, 'You were sorry for his ill memory;' seeming thereby to give credit to that information. Which information and report tend not only to the great scandal of the members of both houses of parliament before named, but express an endeavour to stir up jealousies, and work a division, between your majesty and your parliament. It is therefore the humble and instant desire of the lords and commons in this parliament, That your majesty will be pleased to declare who was the reporter, or reporters, of those words pretended to be spoken at Kensington by the earl of Newport; and that your majesty will be likewise pleased to move her majesty to discover who acquainted her therewith: and this, as your greatest and most faithful council, they advise your majesty to perform; the exigency of the affairs of both kingdoms being such as necessarily require a sudden remedy; which cannot expect any possibility of success, without a right understanding between your majesty and the parliament: the only way of effecting whereof is, by the present discovery and removal of ill counsels and false informers; which, to our great grief, we have, by experience, found to be too frequent and active in these dangerous times."

The King's Answer.] This Petition having been presented to the king, his majesty returned the following Answer:—

"My lords and gentlemen; It is true that I have heard rumours of some propositions that should have been made at Kensington, for the seizing of the persons of my wife and children. And, in things of so high a nature, it may be fit for any prince to inquire, even where he hath no belief nor persuasion of the thing; so I have asked Newport some questions concerning that business, but far from that way of expressing a belief of the thing, which Newport hath had the boldness and confidence to affirm; which I could easily make appear, but I think it beneath me to contest with any particular person. But let this suffice, that I assure you, I neither did nor do give credit to any such rumour. As for telling the name of him who informed me, I do stick to the Answer which I gave to your last Petition upon the like particular."

The Riots and Tumults about both Houses increase.] Multitudes of people being this day assembled, in all the places leading to both houses of parliament, the general cry of whom was 'No Bishops! No Bishops;' an affray ensued, in which some gentlemen, of the opposite party, drew their swords, and wounded some of the mob: hereupon the lords sent to desire a conference with the other house on these heads; 1. To desire the commons to join with them in a Declaration, to be printed and published, of their dislike of the assembling of the people in such companies, and disorders about the houses of parliament.* 2. Likewise

* Lord Clarendon says, "That upon the receipt of this message in the house of commons, some members urged, 'That they must not discourage their friends, this being a time they must make use of all friends;' Mr. Pym.

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to desire his majesty, That the houses of parliament may have a Guard; and that the commons would give an Answer with such speed as the necessity of the occasion required.—This day, also, it was resolved by the lords, "That this parliament is a free parliament at this present."

Dec. 29. The lords ordered the sheriffs of London and Middlesex, and some of the justices of peace for Westminster, to attend their house, and give reasons why they had neglected to prevent the coming of the concourse of people to that place; and why they have neglected to observe the king's writ, for suppressing and preventing of tumults and riots. They answered, 'That the justices of the peace opened the writ, and granted out warrants to the constables, who sent guards to the houses of parliament; and, upon this, they were questioned by the commons, and the Guards dismissed.' Hereupon the Judges were ordered to withdraw, to consider what was fit to be done; who returned for Answer, 'That the best way to suppress tumults, was to put in execution the statute of 13 Henry 4. c. 7.' This not being thought sufficient, they were again asked, What was the usual practice, in other courts, to prevent tumults and routs? The Judges said, 'That it was usual in their courts, at assizes, to prevent such disorders, for the sheriff of the county to attend all the while, with a competent number of men.' Upon which the lords ordered, 'That the under sheriff of Middlesex, and two of the justices of peace for Westminster, should hereafter attend this house, de die in diem, and receive directions from them for the suppressing of such tumults.'

Mr. Smith's Speech on the Riots, &c.] In a debate of the house of commons this day, on these riotous proceedings, we meet with a speech of one

Mr. *Smith*, in these words:* 'Mr. Speaker; The business we have now in agitation (concerning the Irish affairs, and the Treaty with the Scots commissioners for their timely assistance of aid, being to be determined this day) is of great consequence and weight; even of such importance, that I have not read of greater. When the greatest troubles were in that kingdom, in queen Elizabeth's reign, of good memory, these troubles, being comparatively similized with them, are of far greater danger: and I would to God we might so agree with the lords, that a speedy concurrence might be had with the Scots, towards the relief of Ireland. Yet, notwithstanding, Mr. Speaker, the greatness of this rebellion, and most outrageous cruelties committed daily by the rebels, hazarding nearly the loss of that kingdom, without speedy help, (which takes up all our debates and arguments) if we remove not therewith all such impediments here at home, as do hinder our speedy proceeding, not only in that business, but in the settling of the peace and quiet of this kingdom, all our endeavours in the suppressing the rebels in Ireland will little avail.—Mr. Speaker, under favour of this hon. assembly, I intend to give you a touch of such lets which do much hinder us, as I conceive, in expediting the great affairs of church and state, and our proceedings against incendiaries and delinquents in the same. We have daily, you know, Mr. Speaker, received Petitions from the citizens of London, some of them having been delivered by good hands, and men of good worth and quality; which we have willingly taken, and I doubt not but we shall, in due time, give them good satisfaction in answering of them. Likewise we have received petitions from abrupt and disorderly persons, without any matter that may deserve our consideration; but are fitter to be rejected, as I, under favour, conceive. But, that which I intend to intimate to you, as the greatest stop to our proceedings, is the riotous and tumultuous assembly of vain and idle persons; who presume to begirt our house, not only in an irregular manner to prefer their petitions, but, with open clamour, would prescribe us what laws to enact, and what not; what persons to prosecute, and who not. These tumultuous persons take up a great deal of our precious time in answering and appeasing them; when, as I conceive, other business, more nearly concerning the welfare and security of his sacred majesty and his kingdoms, lies even as it were gasping, and ready to perish for want of our timely assistance.—Mr. Speaker, our patience, I persuade myself, is one of the greatest causes that animates and encourages these illegal outrages; and if some rebukes were ministered from the house to them, they would not, surely, be so audacious. It is true, that their trading is decayed, and it is hard for many of them to subsist with their families, occasioned by our slow proceedings against delinquents; the reason whereof they are incapable of judging, neither, as I conceive, should they be made acquainted with, otherwise than to understand that their unseasonable and unfitting repair to this house is one principal cause thereof. Therefore, sir, I conceive, the best and speediest means for suppressing of these Tumults will be, to have a strict guard kept about the house, with a command not only, by persuasion, to avert their resort hither, but to shoot at them, if they obstinately refuse to be persuaded; and likewise that, in the city of London and suburbs, diligent search may be made for Papists and Recusants, by some trusty officers appointed by the house for that purpose, who shall apprehend them, if they find them armed with any weapons, and bring them before a committee for examination, appointed for that purpose: for, Mr. Speaker, Papists, as well as others, resort hither from several places, as I am informed; which these tumultuous

himself saying, 'God forbid the house of commons should proceed in any way to dishearten people to obtain their just desires in such a way."

* From the original edition printed by Abel Roper, 1641.

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persons pretend is one great cause of their meeting here; and when they perceive that Papists and Recusants are prosecuted according to the laws of this kingdom, in that case enacted, they will have less cause to trouble us. This is my humble motion.—And truly, sir, if I may speak my mind herein, I persuade myself, that unless the laws be put in execution, and that with severity and speed, against some of the greatest Recusants, to make them examplary to the rest, neither this city, nor other places of this kingdom, can be secure from their devilish practices and plots; and that our too favourable proceeding against them, if so continued, may cause our too late repentance, if any of their perverse and wicked stratagems should take effect, which God forbid. And I heartily wish that such course may be taken, by the blessing of the Almighty on our endeavours, that all the inhabitants of his majesty's kingdoms, that are true Christians and loyal subjects, may for ever lye down in peace and rise in safety, to which I shall always say, Amen.'

Bp. Hall's Speech in Defence of the Church and Clergy.] We find also a speech made by bishop Hall, about this time, in the house of lords, but the day is not mentioned. This speech is the last made in that house by one of his order. * :—'My Lords; I have long held my peace, and meant to have done so still; but now, like to Crœsus's mute son, I must break silence: I humbly beseech your lordships to give me leave to take this too just occasion to move your lordships to take into your deep and serious consideration, the woful and lamentable condition of the poor Church of England, your dear mother. My lords, this was not wont to be her style: we have heretofore talked of the famous and flourishing church of England; but now your lordships must give me leave to say, that the poor church of England humbly prostrates herself at your lordships feet, (next after his sacred majesty) and humbly craves your compassion and present aid.—My lords, it is a foul and dangerous insolence this, which is now complained of to you; but it is but one of a hundred of those which have been of late done to this church and government. The church of England, as your lordships cannot chuse but know, hath been, and is miserably infested on both sides; with Papists on the one side, and Schismaticks on the other. The Psalmist hath, of old, distinguished the enemies of it into wild boars out of the wood, and little foxes out of the boroughs; the one whereof goes about to root up the very foundation of religion; the other, to crop the branches, and blossoms, and clusters thereof; both of them conspire the utter ruin and devastation of it: As for the former of them, I do perceive a great deal of good zeal for the remedy and suppression of them; and I do heartily congratulate it, and bless God for it, and beseech him to prosper it in those hands who shall undertake and prosecute it; but for the other, give me leave to say, I do not find many that are sensible of the danger of it, which yet, in my apprehension, is very great and apparent—Alas! my lords, I beseech you to consider what it is that there should be in London, and the suburbs and liberties, no fewer than fourscore congregations of several sectaries, as I have been too credibly informed, instructed by guides fit for them, coblers, taylors, felt-makers, and such like trash, which all are taught to spit in the face of their mother, the church of England, and to defy and revile her government: From hence have issued those dangerous assaults of our church and governors; from hence that inundation of base and scurrilous libels and pamphlets, wherewith we have been of late over-borne, in which Papists and Prelates, like oxen in a yoke, are still matched together. Oh, my lords! I beseech you that you will be sensible of this great indignity: do but look upon these reverend persons: do not your lordships see here sitting upon these benches, those that have spent their time, their strength, their bodies, and lives, in preaching down, in writing down, Popery? And which would be ready, if occasion offered, to sacrifice all their old blood that remains, to the maintenance of that Truth of God, which they have taught and written; and shall we be thus despitefully ranged with them, whom we do thus professedly oppose? But alas! this is but one of those many scandalous aspersions, and intolerable affronts, that are daily cast upon us.—Now, whither should we, in this case, have recourse for a needful and seasonable redress? The arm of the Church is, alas! now short and sinewless; it is the interposing of your authority that must rescue us: you are the eldest sons of your dear mother the Church, and therefore most fit and most able to vindicate her wrongs: You are Amici Sponsæ; give me leave, therefore, in the bowels of Christ, humbly to beseech your lordships to be tenderly sensible of these woful and dangerous conditions of the times; and if the government of the church of England be unlawful and unfit, abandon and disclaim it; but, if otherwise, uphold and maintain it: otherwise, if these lawless outrages be yet suffered to gather head, who knows where they will end?—My lords, if these men may, with impunity and freedom, thus bear down ecclesiastical authority, it is to be feared they will not rest there, but will be ready to affront civil power too. Your lordships know, that the Jack Straws, and Cades, and Wat Tylers of former times, did not more cry down learning than nobility; and those of your lordships that have read the history of the anabaptistical tumults at Munster, will need no other item; let it be enough to say, that many of these sectaries are of the same profession.—Shortly, therefore, let me humbly move your lordships to take these dangers and miseries of this poor church deeply to heart, and upon this occasion to give order for the speedy redressing of these horrible insolencies, and for

* From the Edition of his Works before quoted.

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the stopping of that deluge of libellous invectives wherewith we are thus impetuously overflown: which, in all due submission, I humbly present to your lordships wise and religious consideration.' *

The King's Message for raising Volunteers for suppressing the Irish Rebellion.] Dec. 29. The lord chamberlain, by command, delivered this Message from the king, "That his majesty being very sensible of the great miseries and distresses of his subjects in Ireland, which daily increase so fast, and the blood which hath already been spilt, by the cruelty and barbarousness of the blody rebels, crying so loud; and perceiving how slowly the succours, designed there, go on, his majesty hath thought good to let their lordships know, and desired them to acquaint the house of commons therewith, That he will take care that, by commission, which he will grant, 10,000 English Volunteers should be speedily raised for that service, if the house of commons will declare that they would pay them." This Message the lords ordered to be delivered to the commons, at a conference; but we find no more notice taken of it at this time.—Instead of that, there came up a message from the commons, by Mr. Hollis, as an Answer to the late Propositions from the lords concerning a Guard, "That they would agree with their lordships, in all good and lawfull means, for the safety of the parliament; but, for printing a particular Declaration, the commons said, they had entered into debate thereof, and found it to be a thing of great consideration, and would require time to think of it. As concerning a Guard; the house agrees to it, provided it be such as the parliament approves of, and that it be commanded by the earl of Essex.—Further, the commons desired that their lordships would be pleased to remember, That there were 2 bills depending before them; one concerning the Pressing of Soldiers for the service of Ireland, and the other for Pressing of Seamen for the defence of both England and Ireland; which they desired their lordships would speedily pass; without which, they conceive, Ireland cannot be saved." The lords returned for Answer, That they would take the two bills into consideration with all convenient speed.'

Complaint against lord Digby for aspersing the Commons.] Another message was brought up from the commons, to this purport, "That the commons find, by common fame, that it was said in the house of lords, by the lord Digby, and offered to be justified by him, 'That the house of commons have invaded the privileges of the house of lords, and the liberty of the subject;' and that he did likewise say, 'That this was no free parliament:' the commons therefore desired, that if these words were spoken by him, that right might be done to the commons of England against the lord Digby; and if no such words were spoken by him, that then a declaration be set forth by their lordships, to quit the commons of that scandal." The Answer returned was, "That the lords would take this message into consideration." In the mean time the words were referred to the committee for keeping a good correspondency between the two houses.

Complaint against several Gentlemen for appearing in Arms.] The commons sent up another message to the lords, importing, "That they had received information of great disorders committed between this house and Charing-Cross; that certain persons, in the habit of gentlemen, who are reported to be officers in the late English army, and are now in Whitehall, or some places thereabouts, backed and countenanced by a guard of Trained Bands, attending about Whitehall, do issue out in numbers and assault the king's subjects, going and returning, in the king's peace, to and from the parliament, offering to them, as they were cre-

* In a small tract, entitled 'Hard Measure', this prelate gives us the following Account of the before-mentioned Tumults. "The rout did not stick openly to profess, that they would pull the Bishops in pieces. Messages were sent down to them from the lords but they still held firm, both to the place and their bloody resolutions. It now grew to be torch-light, and one of the lords, (the marquis of Hartford) came up to the Bishops form, and told us we were in great danger, advising us to take some course for our own safety; and, being desired to tell us what he thought the best way, counselled us to continue in the parliament house all that night; For,' said he, 'these people vow they will watch you at your going out, and will search every coach for you with torches, so as you cannot escape.' Hereupon the house of lords was moved for some Order for the preventing their mutinous and riotous meetings, and messages were sent down to the house of commons, to this purpose, more than once; but nothing was effected: however, for the present, (for so much as all the danger was at the rising of the house) it was earnestly desired of the lords that some care might be taken of our safety. The motion was received by some lords with a smile; some other lords, as the earl of Manchester, undertook the protection of the abp. of York, and his company, (whose shelter I went under) to their lodgings; the rest, some of them by their long stay, others by secret and far-fetched passages, escaped home: therefore it was not for us to venture any more to the house without some better assurance."—Lord Clarendon adds, "That the mob laid hands on the abp. of York, going to the house of peers, in that manner, that if he had not been seasonably rescued, it was belived they would have murdered him: so that all the bishops, and many members of both houses, withdrew themselves from attending, from a real apprehension of endangering their lives."*

* The following lines in Hudibras seem to allude to this very Transaction:

'When Zeal, with aged Clubs and Gleaves,
'Gave chace to Rochets and Lawn Sleeves.'

Part 3. Canto 2.

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dibly informed, no offence at all, and 20 or 30 of them sore wounded. This the commons conceive to be a true violation of the liberty of the subject, and an affront to the parliament, and will, in the end, strike an awe and terror into it, if not prevented by the wisdom of their lordships and the house of commons.—The commons are likewise informed, by a member of their own house, that he, going from the house to their lordships, through the churchyard, found there a guard of soldiers: enquiring of them by whose command they were there? they answered, by the lord abp. of York's. If this be to be suffered, to have guards set about the parliament, in this manner, to the terror and affray of the people, the commons submit it to their lordships judgment; and therefore, to prevent all incoveniences, the commons desire to have a Guard; otherwise there will follow certain mischief in the end; which the commons foresecing, do give their lordships timely warning, that, if it happen, they may clear themselves to all the world. That there may still be free a parliament, he was commanded to desire their lordships, that, according to their own Propositions, and upon such conditions as the house of commons consented to, That their lordships would presently join with them in an humble Petition to his majesty, that the parliament may have a Guard; such a one as may be approved of by both houses, and to be commanded by the earl of Essex."—When this Message was delivered, a long debate ensued amongst the lords; and, at last, the question being put, Whether this house would join with the commons in an humble Petition to his majesty, to desire that the parliament may have a Guard, &c. as in the messsage? it passed in the negative.

Protestation of the Bishops against all Proceedings during their forced Absence from the House.] Dec. 30. The lord keeper signified to the house, That the king had commanded him to deliver a Petition to their lordships, which had been presented to him. The said Petition was ordered to be read, and was in these words:

To the KING's Most Excellent Majesty, and the LORDS and PEERS now assembled in parliament, The HUMBLE PETITION and PROTESTATION of all the Bishops and Prelates, now called by his majesty's writs to attend in parliament, and present about London and Westminster for that purpose.

"That whereas the petitioners are called up by several and respective writs, and under great penalties, to attend in parliament; and have a clear and indubitable right to vote in bill, and other matters whatsoever debateable in parliament, by the antient customs, laws, and statutes of this realm; and ought to be protected by your majesty, quietly to attend and prosecute that great service; They humbly remonstrate and protest before God, your majesty, and the noble lords and peers now assembled in parliament, that, as they have an indubitable right to sit and vote in the house of lords, so are they (if they may be protected, from force and violence) most ready and willing to perform their duties accordingly; and that they do abominate all actions or opinions tending to Popery, and the maintenance thereof; as also all propension and inclination to any malignant party, or any other side or party whatsoever, to the which their own reasons and consciences shall not move them to adhere.—But whereas they have been, at several times, violently menaced, affronted, and assaulted, by multitudes of people, in their coming to perform their service in that hon. house; and lately chased away and put in danger of their lives; and can find no redress or protection, upon sundry complaints made to both houses, in these particulars: They likewise humbly protest, before your majesty and the noble house of peers, that, saving unto themselves all the rights and interests of sitting and voting in that house, at other times, they dare not sit or vote in the house of peers, until your majesty shall further secure them from all affronts, indignities and dangers, in the premises. Lastly, Whereas their fears are not built upon phantasies and conceits, but upon such grounds and objects as may well terrify men of good resolutions and much constancy, they do, in all duty and humility, protest, before your majesty, and the peers of that most hon. house of parliament, against all laws, orders, votes, resolutions, and determinations, as, in themselves, null, and of none effect; which, in their absence, since the 27th of this instant Dec. 1641, have already passed; as likewise against all such as shall hereafter pass in that most hon. house, during the time of this their forced and violent absence from the said most hon. house: not denying, but, if their absenting of themselves were wilful and voluntary, that most noble house might proceed in all these premises; their absence, or this their Protestation, notwithstanding: and humbly beseeching your most excellent majesty, to command the clerk of the house of peers to enter this their Petition and Protestation amongst his records, they will ever pray God to bless and preserve, &c. Jo. Eborac, Tho. Duresme, Rob. Co. Liche, Jos. Norwic, Jo. Asaphen, Ro. Oxon, Guil. Bath & Welles, Geo. Hereff, Math. Elien, Godfrey Gloucest, Jo. Petriburg, Morg. Llandaff, Copia vera Jo. Browne, Cleric' Parliamentor.'"

Proceedings against the Protesting Bishops.] This Petition being read, the lords sent a message to the commons, to desire a present conference by a committee of both houses, touching matters of dangerous consequence. A conference being held immediately, the lord keeper, in the name of the house of peers, declared, "That this Petition and Protestation of the 12 Bishops, containing matters of high and dangerous consequence, and such as the lords are very sensible of, and such as require a speedy

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and sudden resolution, it extending to the deep intrenching upon the fundamental privileges and being of parliaments; therefore the lords have thought fit, that this matter concerning the whole parliament, may be communicated to the commons, it being a thing of so great, so general a concernment."

The Bishops Petition being thus communicated to the house of commons, they came to a Resolution, to accuse those 12 Bishops of High Treason, for endeavouring to subvert the fundamental laws and being of parliaments. And Mr. Glynn was ordered to go to the lords, and, at their bar, in the name of all the commons of England, to accuse these 12 prelates of High Treason, for endeavouring to subvert the fundamental laws of the realm and the very being of parliaments, manifested by preferring that Petition and Protestation; and to desire the lords, that they may be forthwith sequestered from parliament and put into safe custody; and that their lordships would appoint a speedy day for the commons to charge them, and they to answer; for that the commons were ready to make good their charge.—Hereupon it was ordered, "That the gentleman usher bring the said Bishops, so accused, before this house, that they may be committed to safe custody." In the mean time, a conference having been desired by the commons, concerning the Safety of the Kingdom and both houses of parliament, the lords went to the conference; and, being returned, the lord keeper reported it to the house to this effect:

He first repeated the former message from the commons, with their Reasons for desiring a Guard, to which the commons said they had yet no Answer. They now desired their lordships to take the following Reasons into consideration, as an addition to their former: "1. The insolent and traiterous Petition and Protestation of the Bishops preferred this day to their lordships; which the commons conceive they durst not to have done without some back to their design.* 2. They desire to have a Guard, because they hear the king hath a guard at Whitehall, as apprehending it fit; and the commons conceive, that those that are enemies to the king, are likewise enemies to the parliament; and so vice versa: Therefore that house desired their lordships to consider of these things and give them an Answer, Whether they will join with the commons in a Petition to the king, or not." Upon this another debate arose in the lords, Whether that house would recede, upon these further Reasons, from the vote given last night: and this question being put, it again passed in the negative. Afterwards, both the Vote of last night and this, were ordered to be sent down to the commons, as an Answer to them about a Guard.

The lords being informed, that the Bishops, accused of High Treason, were at the door, they were severally called in; and, first,

The Archbishop of *York*, (Dr. John Williams) being brought to the bar, and kneeling there as a delinquent, was commanded to stand up, when the lord keeper told him, 'That the house of commons, in their name, and in the name of all the commons of England, had accused him and other Bishops with High Treason, for endeavouring to subvert the fundamental laws of this realm, and the being of parliament, by preferring their Petition and Protestation, this day, to that house.' The said archbishop, at his request, having leave to speak, said, 'He would not, at that time, make any demurrer to the Charge, as having never heard it before; but he desired their lordships would give him leave to do as he should be advised, when he came to his Answer;' and so he withdrew.

The Bishop of *Durham* (Dr. T. Moreton) was next brought to the bar in the same manner, who said, 'That this was the greatest misery that ever befel him, and what he did, was not with any malicious or treasonable intent; but he, going by chance, to the abp. of York's house, about two days ago, he found some bishops there, and the Petition signed by many of them; and, being desired to subscribe the said Petition, he read it over, and took some exceptions to it; but he was drawn in by inducements, or rather seducements, and he did subscribe only to preserve his right of voting in parliament;' and, desiring their lordships to have pity upon him, being a man of great years, he withdrew.

The Bishop of *Norwich* (Dr. Jo. Hall) said, 'This was the heaviest affliction ever came to him; and professed it was far from his thoughts to be guilty of an offence of so high a nature, and confessed he subscribed the Petition and Protestation; but desired the rest of his brethren, the bishops, that it might be very well considered before it was presented; but whether it was so he knew not.'*

* Lord Clarendon observes, "That the indiscretion of these Bishops, at such a crisis, gave so great scandal and offence to all those who passionately desired to preserve their function, that they had no compassion or regard of their persons, or what became of them; insomuch as, in the whole debate in the house of commons, there was only one gentleman who spoke on their behalfs, and said, 'He did not believe they were guilty of High Treason, but that they were stark mad; and therefore desired they might be sent to Bedlam.'" And Whitlocke says, "Divers of their adversaries were much pleased with this unadvised act of the Bishops, being, (as they wished) a way prepared by themselves for them to be set aside, and removed from the house of lords."

* The following account is given by this bishop, in a piece of his beforementioned, intitled 'Hard Measure,' wherein, after reciting the tumults about the house of lords, and the resolution of the bishops to forbear any longer attendance on that account, he proceeds thus: "The abp. of York sent for us to his lodging at Westminster; lays before us the perilous

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The Bishop of *Coventry and Litchfield* (Dr. Rob. Wright) said, 'He subscribed the Petition, but craved their lordships best construction of it, for he did it not with any traiterous intention, and submitted himself to the pleasure of the house.'

The Bishop of *St. Asaph* (Dr. John Owen) confessed 'He subscribed the Petition; but he did it for matter of form, because the rest of the bishops his brethren had done so: that thoughts of treason were far from his heart, and desired their lordships favour and compassion towards him.'

The Bishop of *Bath and Wells* (Dr. Wm. Piers) acknowledged, 'That he set his hand to the said Petition, without any ill intent, and desired of his brethren that it might be well considered before it was delivered; and that all the bishops had set their hands thereto.'

The Bishop of *Hereford* (Dr. John Coke) said, 'That when time was fitting he would make his humble Answer to the Charge; but desired to say nothing for the present.'

The Bishop of *Ely* (Dr. M. Wren) desired their lordships to excuse him now from speaking, lest he should do himself more hurt by that than by silence.

The Bishop of *Oxon* (Dr. Rob. Skinner) owned, 'He signed, also; but his offence was through ignorance; and therein craved their lordships compassion.'

The Bishop of *Gloucester* (Dr. G. Goodman) said, 'That it did appear he was one of the last that subscribed; that it was not done with any traiterous intent, but through ignorance, and submitted himself humbly to the wisdom of the house.'

The Bishop of *Peterborough* (Dr. J. Warner) made the same confession as the former.

The Bishop of *Landaff* (Dr. M. Owen) said, 'That it was done through ignorance, and indiscretion, and that he had no design to overthrow the fundamental laws of the land; he desired he might not feel the weight of their lordships justice, but mercy, and that he might be bailed upon good security.'

After hearing all these arraignments, the lords ordered ten of the Bishops to be committed prisoners to the Tower; but the bishops of Durham and of Coventry and Litchfield were remitted to the custody of the black rod. *

The Bishop of Winchester (Dr. Walter Curle) being all this time in the house, it was moved, That it should be put to him to answer, whether he consents to or disclaims the said Petition, before he be allowed to sit and vote in the house. The said bishop answered, 'That he never knew any thing of the matter:' hereupon the lords gave him leave to read the Petition; after which he said, 'He never read it before, and he did now utterly disclaim it.' With which answer the house was satisfied.

Mr Rowse's Speech against filling up 5 vacant Bishopricks.] The same day that the proceedings went thus vigourously on against the Bishops in the house of lords, the following speech was made in the commons by

Mr *Rowse*, member for Truro, against filling up 5 Bishopricks, † at this time vacant:

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condition we were in; advises, for remedy, (except we meant utterly to abandon our right, and to desert our station in parliament) to petition both his majesty and the parliament, That, since we were legally called by his majesty's writ to give our attendance in parliament, we might be secured in the performance of our duty and service, against those dangers that threatened us; and, withall, to protest against any such acts as should be made during the time of our forced absence, for which he assured us there were many precedents in former parliaments, and which if we did not, we should betray the trust committed to us by his majesty, and shamefully betray and abdicate the due right both of ourselves and successors. To this purpose, in our presence, he drew up the said Petition and Protestation, avowing it to be legal, just, and agreeable to all former proceedings, and, being fair written, sent it to our several lodgings for our hands, which we accordingly subscribed, intending yet to have had some further consultation concerning the delivering and whole carriage of it: but ere we could suppose it to be in any hand but his own, the first news we heard was, that there were messengers addressed to fetch us in to the parliament upon an accusation of High Treason. For whereas this paper was to have been delivered, first to his majesty's secretary, and, after perusal, by him to his majesty, and after from his majesty to the parliament, and for that purpose to the lord keeper, the lord Littleton, who was the Speaker of the house of peers: all these professed not to have perused it at all; but the said lord keeper, willing enough to take this advantage of ingratiating himself with the house of commons and the faction, to which he knew himself sufficiently obnoxious, finding what use might be made of it by prejudicate minds, reads the same openly in the house of lords; and, when he found some of the faction apprehensive enough of misconstruction, aggravate the matter as highly offensive, and of dangerous consequence; and thereupon, not without much heat and vehemence, and with an ill preface, it is sent down to the house of commons; where it was entertained heinously, Glynn, with a full mouth, crying it up for no less than an High Treason, and some comparing, yea preferring, it to the Powder Plot."

* Bishop Hall says, "These two had this favour by reason of their great age; which though desired by a noble lord on his behalf, would not be yielded."

† These were Worcester, Lincoln, Exeter, Bristol, and Chichester. The first was vacant by the death of bp. Thornborough, and the others by the translation of bp. Williams to York, bp. Hall to Norwich, bp. Skinner to Oxford, and bp. Duppa to Sarum. The persons.

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'Mr. Speaker; * You may remember the report made about 5 weeks since, by Mr. Woodward, of an order from his majesty, sent out of Scotland, for drawing up of certain Congé d'Elire's for the electing of 5 new Bishops, whereof two are made and consecrated, and that then I moved petitioning his majesty to stay the making of them (p. 921.); but other business, of greater consequence for the present, hindered my enlarging such reasons as I conceived of weight to stop the proceedings concerning them. And now, Mr. Speaker, under favour of this hon. house, I intend to give you some further ground of my opinion then, that it was not, neither is it yet convenient, as I, under favour, conceive, they should be made bishops. —Mr. Speaker, you know the proceedings against those bishops, which have been great delinquents in this state, and that we have prosecuted them to an impeachment of high treason; which was a main ground of my opinion for the then averting that intended business of making these new bishops, till that great affair was brought to a period. And Mr. Speaker, I persuade myself, that there are as great delinquents, to their power, amongst the inferior clergy, as the bishops. I speak not with an intent you should conceive that I reflect anywise upon the persons of those that are elected or made; but that until the others that are impeached be proceeded against, either to their condemnation or otherwise, as by the parliament they shall be found guilty, the election of new ones may be a while procrastinated and delayed.—Mr. Speaker, we have, as occasion has served us, had many debates and arguments about the quite taking away of Bishops, and many divisions in the house have been concerning the same; and although voted for their continuance, yet the manner of their government is not determined: 1. Then, as I conceive it can neither be requisite nor convenient to make new bishops, till a certain form of their government be fully concluded and settled by the whole state of this kingdom. 2. If we should give way to the making of these bishops, great prejudice may follow before we can settle them in such a government as may agree most for the security and safety, both of this kingdom, and the fundamental points and principles of the doctrine of the church of England: for, notwithstanding our proceedings against delinquents, both in church and state, how many petitions and complaints have we daily received against pernicious and dangerous tenets in doctrine, besides scandalous and slanderous aspersions delivered by divers of the clergy in their sermons, and otherwise, since the sitting of this present parliament; which, out of doubt, are favoured, nay animated and encouraged by the bishops; which doth much trouble many people, and is a great cause of their continuance in evil, and obstinate maliciousness of a great many of good quality and estimation? And then for new bishops to be made, although perchance men of great learning and judgment, before the parliament hath fully agreed on the manner of their government, and proceedings to prosecute and punish such delinquents as have been perverse Instruments in the church, to withdraw the affections of many, otherwise perhaps well-affected, from the right settling of true religion, with such discipline congruent thereunto, that should be the best means to procure the everlasting peace of king and people? The inconveniencies and dangerous consequences that may happen hereupon, may yet be worse than the former we have had too much experience of. 3. I conceive by making of these bishops, when they shall be admitted to sit in the house of lords, their votes there, although voted down in this house, yet not agreed unto by the lords, may be a great hinderance in our proceedings to settle such a form of government in religion, as shall, by the parliament, be thought requisite; all of them contriving to continue their old form and power of government. And their votes, you know, Mr. Speaker, have prevailed much in that house, many of the lords (I could wish not so many) being much inclined towards them, and too willing to comply with them in their designs; but I hope, by God's blessing, and our endeavours, we shall in time, by degrees, remove such impediments, both in church and state, as hinder our happy proceedings in redressing such things that are amiss in the same. 4. I conceive the nonconcurrence among ourselves concerning their consecration, to be of weight for the staying the making of these bishops; which I desire may not be conclusive, till the other things before-mentioned, for the settlement of religion and punishment of delinquents be agreed unto; that then such as shall be, by this wise council of state, thought fit to bear any office in the church in places of government, may be, by the same, tried and proved in their learning, judgment, and the holiness of their lives and conversations; that so having not only able, but godly men set in places of authority, we may expect the well government of the inferior clergy.—I desire, Mr. Speaker, not to be misconceived in this my speech, concerning the stay of making these bishops, yet unconsecrated. I speak not against their uncapableness or unworthiness of such places of government, not doubting but that they are as able and fit for the same as any other; but the intent of my speech and humble motion is,

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nominated to these sees by the king were, Dr. Prideaux, the king's professor of Divinity in Oxford; Dr. Winniffe, dean of St. Paul's; Dr. Brownerigg, master of Catherine-Hall, in Cambridge; Dr. Westfield, of Great St. Bartholomew's, London; and Dr. Henry King, Dean of Lichfield. Of these lord Clarendon says, "They were all of great eminency in the church; frequent preachers; and not a man to whom the faults of the then governing clergy were imputed, or against whom the least objection could be made."

* From a MS. purchased at the sale of the Harleian Library.

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That only, for the reasons before specified, they may not yet be made and consecrated, till such time as all things for the well government of the church be fully concluded and settled, which God grant; that having reformed all disorders, both in church and state, we may every one sit securely under his own vine and fig-tree, and reap and enjoy the fruit of his own labour.'

The Commons petition the King for a Guard.] Dec. 31. The commons finding that the lords would not join with them in petitioning the king for a Guard, this day resolved to do it by themselves: accordingly seven of that body, of which Mr. Hollis was to be their Speaker, were ordered to attend his majesty, and deliver to him the following message:

"Most gracious sovereign; We are sent by the knights, citizens, and burgesses of the house of commons, your faithful and loyal subjects, who are ready to lay down their lives and fortunes, and spend the last drop of their blood, to maintain your crown and royal person in greatness and glory; and do, by us, cast themselves down at your royal feet, to present unto your majesty their humble desires upon their great apprehensions and just fears of mischievous designs and practices to ruin and destroy them.—There have been several attempts, heretofore, to bring distraction upon their whole body at once, and threats and menaces against particular persons: there is a malignant party, bitterly invenomed against them, daily gathering strength and confidence, and now come to such height, as they have given some the boldness to embrue their hands in the blood of your subjects, in the face and at the doors of the parliament, and at your majesty's own gates; and have given out insolent and menacing speeches against the parliament itself. This causeth great distractions amongst the people in general, and such fear and apprehension in the commons, that, they conceive, they cannot, with the safety of their persons, (upon which the safety and peace of the whole kingdom doth now depend) sit any longer unarmed and unguarded as they are: they have therefore their recourse unto your majesty, most humbly beseeching you, that it may stand with your good liking, if they provide for their own safety; which the very law of nature and reason doth allow unto them. It is their humble desire, that they may have a Guard out of the City of London, commanded by the earl of Essex, lord chamberlain of your majesty's household, of whose fidelity to your majesty and the common-wealth, they have had long experience. By this your majesty's grace and favour, you will remove their fears, fill them with comfort and assurance, and enable them to serve your majesty in such a way, as shall render your majesty and your government happy and glorious. And to this they do most humbly desire your majesty's gracious and speedy Answer, because their safety and the safety of the whole kingdom, depends upon it, and will not admit of any delay."

The substance of this Message being first delivered by word of mouth, the king desired to have it in writing, which was delivered to his majesty accordingly: but the commons receiving no present Answer, ordered that halberts should be provided, and brought into the house, for their own better security; which was done, and the said halberts stood in the house for a considerable time afterwards.

Mr. Pym's Speech, at a conference, against Lord Digby.] Dec. 31. At a conference this day with the lords, about an Information the commons had received of the lord Digby's having, in a speech, reflected on their proceedings,

Mr. *Pym* spoke as follows*. 'My Lords, The knights, citizens, and burgesses of the house of commons, now assembled in parliament, have commanded me to present to your lordships this Information which they have received against the right hon. George lord Digby, of such dangerous consequence, that, if not prevented, evil and troublesome events may ensue, to the great hazarding the peace of this kingdom, and a great hinderance of the happy proceedings of this parliament. My lords, I humbly crave your patience to declare to your lordships what I am commanded concerning the said Information, which is, That he, the said lord Digby, should give forth report, upon reading the late Petition and Protestation of the 12 Bishops, 'That the present parliament was a forced one; and that the Acts, Votes, and Laws that should be enacted therein, without the votes and assents of the bishops, are void and of none effect, and not binding to the subject.' My lords, this report is of great danger to the state, if proved against the said lord, in these three respects, 1. It is a great breach of the rights and privileges of parliament. 2. It intrencheth much on the prerogative of the king, and abridges his royal power. 3. It is the first step to bring into this state an arbitrary and tyrannical form of government.—First, my lords, it is a Breach of the Privileges of Parliament, for these reasons: 1. It is against the free votes of parliamentary proceedings; which ought to be reserved and unquestionable during the free sitting thereof. 2. It is against the late act of parliament, in that case made and provided, for not adjourning or abrupt breaking up of the same. This act, my lords, was freely voted by both houses; freely and willingly passed by his majesty, without any force or compulsory means used by any, or private working of any of the members of either houses to induce his majesty to do the same: an act voted as well by the said lord, as the rest of this hon. house. This report, therefore, of his must needs be against his knowledge and former free consent in passing that act. 3. One privilege of parliament, and that is one of the greatest, is to accuse and freely proceed to the punishment of delinquents that have caused the troubles in this state, both in church and common-wealth. This report is against this privilege; it opposes

* From the Manuscript last mentioned.

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altogether our proceedings against the Bishops, accused as the greatest delinquents, both in church and state: for, my lords, if the parliament is forced in the absence of the bishops, how may then the parliament proceed lawfully against them? If the bishops sit and have their votes, although delinquents, in parliament, how can we proceed, I beseech you, against their votes? Therefore, under favour, I conclude this report of the said lord is against this privilege of parliament. 4. To redress the grievances of the common-wealth, is a privilege of parliament. This report is against this privilege. How, I pray you, my lords, can our grievances be redressed, when the oppressions, injustice, and vexatious troubling of his majesty's loyal subjects, by the Bishops, may not be called in question, nor the misdoers therein prosecuted and punished for the same? 5. This report is against divers acts of parliament of this kingdom, that have been made without the voice of bishops in parliament, as is on record in the Parliament Rolls.—Secondly, my lords, this report intrencheth on the Royal Power, and Prerogative of the king, and that in two respects: 1. His royal prerogative, in making and enacting laws by parliament; it resting only in his power, to pass or refuse the votes of parliament. My lords, the king of this realm has the greatest prerogative (to require the counsel and assistance of the whole state, upon any occasion whatsoever, when it pleaseth him) of any prince in the world, except the king of France: and, under favour, my lords, I conceive a parliament cannot be termed forced, when it is freely called, and willingly continued by the king. I conceive, my lords, a forced parliament is, when, against the free consent of the king and his lords, without lawful calling by writ, men assemble themselves; and, by force of arms, sit in council and enact laws, not tending to the welfare of the kingdom. The parliament holden in the 14th of Edw. 2. was a forced parliament; the barons coming thither with horse and arms, and compelling the king to pass what they thought proper to have enacted. 2. My lords, this report entrencheth on the royal power of the king in making of laws; for, as before I have touched, parliaments have, without bishops, made and enacted laws. By this supposition, my lords, that laws, made without bishops, are void; bishops, be they never so vile and disaffected to the tranquillity and security of the state, yet must have votes in rectifying and setting in order such things as are amiss in the same, as well by their own procuring as others: which is not then likely to take any good effect: nay, it is too apparent they have been the greatest opposers of our proceedings in this parliament, and the chief cause why no more is done by the same.—Thirdly, this report is the first step to bring in an arbitrary and tyrannical form of government; and that, under favour, for these reasons: 1. Free parliaments are the securest and safest government that ever could be found for this nation; and that in respect of the power and wisdom thereof. It is upholden, defended, and preserved by the whole body of the kingdom; therefore powerful: The members thereof are men elected, one out of ten thousand, by the whole state; therefore esteemed wise: then to oppose the proceedings, and deny the government thereof, is to change the same: and, if changed to another form, (none being so secure, so powerful, and so wise) it must needs be arbitrary, and so tyrannical. 2. If no laws can be binding to the subject, but such as are voted and assented to by the bishops, then none can be expected but such as are destructive to the state; their affections being altogether averted from free parliamentary proceedings, and their designs only agitated for the opposing the government thereof; and we cannot but daily fear the utter confusion of the same thereby.—Now, my lords, having fulfilled the command of the commons, in speaking something of this Information, I am to desire your lordships, in their name, that the said George lord Digby may answer the said Information, or otherwise be proceeded against as the parliament shall think fit."—Whether any censure passed against the lord Digby, on this occasion, does not appear by the Journals of either house: but the resentment of the commons against him will appear, fully, in the sequel.

Thus ends the Calendar Year 1641; but the Journals of both Houses, with the Statute Books, continuing it to March 25, we shall follow that course, as we have hitherto done throughout this History.

The King's Answer to the Commons' Petition for a Guard.] Jan. 3. The commons received from the king the following Answer to their last Petition for a Guard:

"We have taken the last Message from you, touching your desire of a Guard, into our serious consideration; and truly, with great grief of heart, that (after a whole year's sitting of parliament, wherein you have obtained those things, for the happiness and security of yourselves, and the rest of our subjects, as no age can equal) instead of reaping, in peace and tranquillity, the fruits of your labours, and of our grace and affection to our people, we should find jealousies, distrusts, and fears still so prevalent among you, as to induce you to declare them unto us, in so high a measure as you have done at this time. We are wholly ignorant of the grounds of your apprehensions; but this we do protest before Almighty God, (to whom we must be accountable for those whom he hath intrusted to our care and protection) that had we any knowledge or belief of the least design in any, of violence, either formerly or at this time, against you, we would pursue them to condign punishment, with the same severity and detestation, that we would do the greatest attempt upon our crown. We know the duty of that place where God hath set us, the protection we owe to all our loving subjects, and most particularly to you, called

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to our service by our writs; and we do engage unto you solemnly the word of a king, that the security of all, and every one of you from violence, is, and shall ever be as much our care, as the preservation of us and our children. And, if this general assurance shall not suffice to remove your apprehensions, we will command such a Guard to wait upon you as we will be responsible for to him, who hath incharged us with the protection and safety of our subjects."

Impeachment of Lord Kimbolton and five Members of the House of Commons, of High Treason.*] This day the lord keeper told the house of lords, That he was commanded by the king to let them know, his majesty had given commands to his attorney general, to acquaint their lordships with some particulars from him. Hereupon the said Attorney, standing up at the clerk's table, said, "That the king had commanded him to tell their lordships, that great and treasonable designs and practices against him and the state had come to his majesty's knowledge; for which the king had given him command to accuse, and he did accuse Six Persons of High Treason, and other high Misdemeanours, by delivery of the Articles in writing which he had in his hand, which he received from his majesty, and was commanded to desire their lordships to have it read;" which Articles were read, in hæc verba:

ARTICLES of HIGH TREASON, and other high MISDEMEANOURS, against the Lord Kimbolton, Mr. Denzill Hollis, Sir Arthur Haslerig, Mr. John Pym, Mr. John Hampden, and Mr. William Strode:

I. "That they have traiterously endeavoured to subvert the fundamental laws and government of this kingdom, to deprive the king of his regal power, and to place in the subjects an arbitrary and tyrannical power, over the lives, liberties, and estates of his majesty's liege subjects. II. That they have traiterously endeavoured, by many foul aspersions upon his majesty and his government, to alienate the affections of his people, and to make his maj. odious to them. III. That they have endeavoured to draw his majesty's late army to disobedience to his commands, and to side with them in their traiterous designs. IV. That they have traiterously invited and encouraged a foreign power to invade his majesty's kingdom of England. V. That they have traiterously endeavoured to subvert the rights and very being of parliaments. VI. That, for the compleating of their traiterous designs, they have endeavoured, as far as in them lay, by force and terror, to compel the parliament to join with them in their traiterous designs; and, to that end, have actually raised and countenanced tumults against the king and parliament. VII. That they have traiterously conspired to levy, and actually have levied, war against the king."

Then Mr. Attorney said, "That he was further charged to desire on his majesty's behalf, 1. That a select committee, under a command of secresy, may be appointed to take the examination of such witnesses as the king will produce in this business, as formerly hath been done in cases of like nature, according to the justice of this house. 2. Liberty to add and alter, if there should be cause. 3. That their lordships would take care for the securing of the persons, as, in justice, there should be cause."

Mr. Rushworth says, that "lord Kimbolton, being present in the house, stood up and offered to obey whatever the lords should order; but prayed that, as he had a public charge, he might have a public clearing." Accordingly the lord steward, the lord chamberlain, earls of Bath, Southampton, Warwick, Bristol, and Holland, with the assistance of Mr. Serj. Whitfield and Mr. Serj. Glanville, were appointed a committee to consider precedents and records, touching the regularity of this accusation; whether there had ever been any such proceedings before in this house, and whether such an accusation may be brought by Mr. Attorney, into this house, against a peer.—Lord Clarendon adds, "The house of peers was somewhat apalled at this alarm; but took time to consider of it till the next day, that they might see how their masters the commons would behave themselves; the lord Kimbolton being present in the house, and making great professions of his innocence, and no lord being so hardy as to press for his commitment on the behalf of the king." This general silence was the more remarkable, since the noble historian assures us, "That the lord Digby had promised the king to move the house for the commitment of lord Kimbolton, as soon as the attorney general should have accused him, which, if he had done, would probably have raised a very hot dispute in the house, where many would have joined him. On the contrary he seemed the most surprized and perplexed with the attorney's Impeachment; and sitting at that time next the lord Kimbolton, with whom he pretended to live with much friendship, he whispered him in the ear with some commotion, (as he had a rare talent at dissimulation) 'That the king was very mischievously advised; and that it should go very hard, but he would know whence that counsel proceeded; in order to which, and to prevent further mischief, he would go immediately to his majesty;' and so went out of the house: whereas he was the only person who gave the counsel, named the persons, particularly the lord Kimbolton, (against whom less could be said than against many others, and who was more generally be-

* Lord Kimbolton was the eldest son of the earl of Manchester, and had, some years before, been called up to the house of lords, by Charles I. He had, after this period, a considerable share in the conduct of affairs, as General of the Parliament forces during the civil war.

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loved) and undertook to prove that the said lord Kimbolton told the rabble, when they were about the parliament house, that they should go to Whitehall."

The Commons desire a Conference for the Vindication of their Privileges.] After some other business had been done in the house of lords; a message was brought up, from the commons to desire the lords would be pleased to sit a while, for they should have occasion to confer with their lordships about a Breach of Privilege. This being granted, a conference was held, between committees of both houses; the Report of which was made by the Lord Keeper to this effect:

"That the house of commons apprehended the parliament to be the great council and the representative body of the kingdom, and both houses are but one body of the realm; the privileges are as the walls, or sinews, of the parliament, which being cut, distraction will speedily follow: That both houses have lately taken a Protestation for the maintenance of their privileges, persons, and goods, a high breach whereof is at this instant; for divers members of the house of commons have their persons assaulted and laid in wait for; their chambers, studies, and trunks have been ransacked and sealed up; as Mr. Hollis, Mr. Pym, and Mr. Hampden; besides, the house of commons understand that there are Guards of Soldiers set so near the parliament houses as Whitehall; which being done without consent of parliament, they hold it as a Breach of Privilege: They therefore desire their lordships would join with them in an humble request to the king, that the Guards at Whitehall may be removed; and that the parliament may have such a guard as shall be approved on by the king and both houses of parliament. Also the house of commons desire their lordships to join with them in vindicating the Breaches of their Privileges; and, if a guard cannot be obtained, that they desire their lordships to take it into consideration to adjourn to another place where they may sit in security."

The lords taking the abovesaid conference into consideration, ordered, "That all the chambers, studies, and trunks, that were sealed or locked, belonging to Mr. Hollis, Mr. Pym, Mr. Hampden, or to any member of parliament, shall be forthwith unsealed and unlocked, and left to their free use and disposure." Ordered, also, "That this house will join with the house of commons, in an humble petition to the king for a Guard, in the same manner as they desired, and that it shall continue as long as the king and both houses shall think fit.

Jan. 4. This joint Petition of both houses having been presented to the king, his majesty said, 'That he would send an Answer to it very speedily.' But the commons being very uneasy, they this day renewed their desires to the lords, to have it done; for this reason, "Because they had received information that divers gentlemen had made their addresses to the gentlemen of the Inns of Court, and have dealt with them to come armed to Whitehall, when they shall be required; but they had not condescended thereto. They likewise said they had met with a scandalous Paper, as was published abroad, to the injury of some members of both houses, which contained Articles of High Treason and High Misdemeanors, against the lord Kimbolton, a member of that house, and others, members of the house of commons; which they desired their lordships to join with them in finding out the authors of, and bringing them to condign punishment, for so high a breach of the privileges of parliament." But nothing was this day resolved on by the lords.

The King sends the Serjeant at Arms to the Commons, to arrest the 5 accused Members.] The day before, the king had sent Mr. Francis, serjeant at arms, to the house of commons; where, being admitted without his mace, he delivered this message;

"I am commanded by the king's majesty, my master, upon my allegiance, that I should come and repair to the house of commons, where Mr. Speaker is; and there to require of Mr. Speaker five gentlemen, members of the house of commons; and that these gentlemen being delivered, I am commanded to arrest them, in his majesty's name, of High Treason. Their names are, Mr. Holles, sir A. Haslerig, Mr. Pym, Mr. Hampden, and Mr. Wm. Strode."

The commons immediately ordered the chancellor of the exchequer, lord Falkland, sir Philip Stapleton, and sir John Hotham, to attend his majesty; and acquaint him, "That this Message was a matter of great consequence, as it concerned the privilege of parliament, and therein the privileges of all the commons of England: That this house will take it into serious consideration, and will attend his majesty, with an Answer in all humility and duty, and with as much speed as the greatness of the business will permit: And that, in the mean time, the house will take care that those gentlemen, mentioned in the message, shall be ready to answer any legal charge laid against them."

The Speaker did then, by command of the house, enjoin those five members, particularly, one by one, to give their attendance on this house, de die in diem, until further Orders: And, in the afternoon of the 4th, there is a Memorandum entered, That all the five Members, aforementioned, did appear in the house, according to yesterday's injunction.

Sir John Hotham was ordered to go to the lords to desire a free conference concerning the Safety of the Kingdom and Parliament; who brought Answer back, That the lords would give a present meeting as was desired.—A Message from the lords came down to the commons, to acquaint them, 'That, according to the agreement between both houses last night, they had sent the duke of Richmond and the lord chamberlain to his majesty, concerning a Guard; and that the king's Answer was, "That by reason of some weighty affairs that were now before him, he could not give a present Answer;

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but did believe that, either to day or to-morrow, he should send it."

Some members of the commons having been sent by that house, to inquire into the truth of a report, That the gentlemen of the Inns of Court came to Whitehall, armed; Mr. Brown, one who was sent to Lincoln's Inn, said, 'That the gentlemen told him, they went to court, first upon a general report that his majesty's person was in danger * * * *

The King comes in person to the House of Commons and demands the 5 Impeached Members.] Jan. 4, p. m. The King came into the house of commons and took Mr. Speaker's Chair.

"Gentlemen; I am sorry to have this Occasion to come unto you, * * * * *"

Resolved, upon the question, That the house shall adjourn itself till to-morrow one of the clock.

This is all that is entered in the Journals of the Commons relating to this extraordinary affair. Probably the great confusion the house was in, at this juncture, broke off all punctualities in the clerk, and prevented any further entry about it there: But Mr. Rushworth, then clerk-assistant to the house, is very explicit in his printed Collections: which, to make the matter as clear as possible, we shall give in his own words.

He begins with telling us, "That when the five accused members came this day, after dinner, into the house, they were no sooner sat in their places, but the house was informed by one captain Langrish, lately an officer in arms in France, that he came from among the officers and soldiers at Whitehall; and understanding by them that his majesty was coming with a guard of military men, commanders and soldiers, to the house of commons, he passed by them, with some difficulty, to get to the house before them, and sent in word how near the said officers and soldiers were come; whereupon a certain member of the house* having also private intimation from the countess of Carlisle, sister to the earl of Northumberland, that endeavours would be used this day to apprehend the five members, the house required the five members to depart the house forthwith, to the end to avoid combustion in the house, if the said soldiers should use violence to pull any of them out. To which command of the house four of the said members yielded ready obedience; but Mr. Strode was obstinate, till sir Walter Earle, his antient acquaintance, pulled him out by force, the king being at that time entering into the New Palace-yard, in Westminster: and as his majesty came through Westminster-Hall, the commanders, reformadoes, &c. that attended him, made a lane on both sides the hall, through which his majesty passed and came up the stairs to the house of commons, and stood before the guard of pensioners and halberteers, who also attended the king's person; and the door of the house of commons being thrown open, his majesty entered the house, and as he passed up towards the chair, he cast his eye on the right hand, near the bar of the house, where Mr. Pym used to sit; but his majesty not seeing him there, knowing him well, went up to the chair, and said, 'By your leave, Mr. Speaker, I must borrow your chair a little?' Whereupon the Speaker came out of the chair, and his majesty stepped up into it. After he had stood in the chair a while, he cast his eye upon the members as they stood up uncovered, but could not discern any of the five members to be there; nor, indeed, were they easy to be discerned, had they been there, among so many bare faces all standing up together. Then his majesty made this speech:

"Gentlemen, I am sorry for this occasion of coming unto you. Yesterday I sent a serjeant at arms upon a very important occasion, to apprehend some that by my command, were accused of high treason, whereunto I did expect obedience, and not a message. And I must declare unto you here, that, albeit, no king that ever was in England shall be more careful of your privileges, to maintain them to the uttermost of his power, than I shall be; yet you must know, that in cases of treason no person hath a privilege; and therefore I am come to know if any of these persons that were accused are here: for I must tell you, gentlemen, that so long as these persons that I have accused, for no slight crime, but for treason, are here, I cannot expect that this house will be in the right way that I do heartily wish it; therefore I am come to tell you, that I must have them wheresoever I find them. Well, since I see all the birds are flown, I do expect from you, that you shall send them unto me as soon as they return hither. But I assure you, on the word of a king, I never did intend any force, but shall proceed against them in a legal and fair way, for I never meant any other.—And now, since I see I cannot do what I came for, I think this no unfit occasion to repeat what I have said formerly, That whatsoever I have done in favour, and to the good of my subjects, I do mean to maintain it. I will trouble you no more, but tell you, I do expect, as soon as they come to the house, you will send them to me; otherwise I must take my own course to find them."

When the king was looking about the house, the Speaker standing below, by the chair, his majesty asked him, Whether any of these persons were in the house? Whether he saw any of them? and where they were? To which the Speaker, falling on his knee, thus answered:

"May it please your majesty; I have neither eyes to see nor tongue to speak in this place, but as the house is pleased to direct me, whose servant I am here; and humbly beg your majesty's pardon, that I cannot give any other answer than this to what your majesty is pleased to demand of me."

The king, having concluded his speech,

* This member was Mr. Pym. See sir Philip Warwick's Memoirs, p. 204.

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went out of the house again, which was in great disorder, and many members cried out aloud, so as he might hear them, *Privilege! Privilege!* and forthwith adjourned till the next day at one o'clock.—The same evening his majesty sent James Maxwell, usher of the house of peers, to the commons, to require Mr. Rushworth, the clerk-assistant, whom his majesty had observed to take his speech in characters, at the table in the house, to come to his majesty; and when Maxwell brought him to the king, his majesty commanded him to give him a copy of his speech in the house. Mr. Rushworth humbly besought his majesty, hoping for an excuse, to call to mind how Mr. Francis Nevil, a Yorkshire member, of the house of commons, was committed to the Tower, but for telling his majesty what words were spoken in the house by Mr. Henry Bellasis, son to the lord Faulconbridge; to which his majesty smartly replied, 'I do not ask you to tell me what was said by any member of the house, but what I said myself.' Whereupon he readily gave obedience to his majesty's command, and in his majesty's presence, in the room called the Jewel-House, he transcribed his majesty's speech out of his characters, his majesty staying in the room all the while; and then and there presented the same to the king, which his majesty was pleased to command to be sent speedily to the press, and the next morning it came forth in print.*"

The Commons declare the King's Behaviour a Breach of Privilege.] Jan. 5. The commons met again; when the door being ordered to be locked, the key brought up, the outward rooms cleared of all persons, except servants to members of the house; and also that some of those servants should be sent forth to see what numbers of people are repairing towards Westminster, and to bring notice to the house; a committee was named to consider of some way for vindicating the Privileges of Parliament, and for providing for the safety of both kingdoms, and to present it to the house with all speed.—A debate then arose, whether this house should be adjourned to Tuesday next, Jan 11. and a committee be appointed to sit in Guildhall, in London, during that time? The question was put, and on a division of the house, there appeared to be 170 members for it, and 86 against it.—The house then agreed upon a Declaration, to be forthwith printed and published concerning the late Breach of Privilege; which was done in these words:

"Whereas his majesty, in his royal person, yesterday, being the 4th day of January, 1641, did come to the house of commons, attended with a great multitude of men, armed in a warlike manner, with halberts, swords, and pistols, who came up to the very door of this house, and placed themselves there, and in other places and passages near to the house, to the great terror and disturbance of the members thereof, then sitting, and, according to their duty, in a peaceable and orderly manner, treating of the great affairs of both the kingdoms of England and Ireland; and his maj. having placed himself in the Speaker's chair, did demand the persons of divers members of this house to be delivered unto him: It is this day declared by the house of commons, That the same is a high Breach of the rights and privilege of parliament, and inconsistent with the liberties and freedom thereof; and therefore this house doth conceive they cannot, with the safety of their own persons, or the indemnity of the rights and privileges of parliament, sit here any longer, without a full vindication of so high a breach, and a sufficient guard wherein they may confide; for which both houses jointly, and this house by itself, have been humble suitors to his majesty, and cannot as yet obtain.—Notwithstanding which, this house, being very sensible

* The following very curious account of this transaction is transcribed from some minutes, taken at the time, by sir Edmund Verney, knight marshal, who afterwards bore the king's standard at the battle of Edgehill, and was killed in that action:—"On Tuesday, the 4th January, 1641, when the house met after their adjournment, till one o'clock, it was moved, (considering there was an intention to take the five Members by force) to avoid all tumult, "That they be commanded to absent themselves," but entered no orders for it, and then the five gentlemen went out of the house: a little after the king came with all his guards, and all his pensioners, and 2 or 300 soldiers and gentlemen. He commanded all the soldiers to stay in the Hall, and sent us word, he was at the door. The Speaker was commanded to sit still, with the mace lying before him; then the king came to the door and took the Palsgrave in with him, and commanded all that came with him, upon their lives, not to come in; so the doors were kept open, and the earl of Roxborough stood within the door, leaning upon it. Then the king came upwards towards the Chair with his hat off, and the Speaker stept out to meet him; when the king stept up to his place, and stood upon the step, but sat not down in the Chair. Then he said, "He expected obedience to his message of yesterday, and not an answer." On the Speaker's saying, "That he had neither eyes or tongue to see or say any thing but what the house commanded him." The king said, "He thought his own eyes as good as his, but that the birds were flown; but he expected that the house would send them to him, for their treason was foul, and such a one as we should all thank him to discover;" and so went out, putting off his hat till he came to the door. Upon this, the house resolved to adjourn immediately till to-morrow, at one o'clock, and consider what was to be done."—These minutes, taken at the time, *in pencil*, were found among the papers of the late earl Verney, written by his ancestor, sir Edmund Verney; and though at so distant a period, were plain enough to be legible.—Hatsell's Precedents, Vol. IV. p. 106.

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of the great trust reposed in them, and, especially at this time, of the manifold distractions of this kingdom, and the lamentable and distressed condition of the kingdom of Ireland, doth order, That the house shall be adjourned until Tuesday next at one of the clock; and that a committee, to be named by this house, and all that will come to have voices, shall sit at the Guildhall in the City of London, to-morrow morning at 9 of the clock, and shall have power to consider and resolve of all things that may concern the good and safety of the city and kingdom; and particularly, how our privileges may be vindicated, and our persons secured, and to consider of the affairs and relief of Ireland; and shall have power to advise and consult with any person or persons, touching the premises, and shall have power to send for parties, witnesses, papers, and records.—And it is further ordered, That the committee for Irish Affairs shall meet at the Guildhall aforesaid, at what time they shall think fit; and consult and do, touching the affairs of Ireland, according to the power formerly given them by this house; and that both the said committees shall report the results of their considerations and resolutions to the house.'

Mr. Fiennes was sent up to the lords, to acquaint their lordships with the reasons why the commons adjourned till Tuesday next, and had fixed a committee to act at Guildhall; which are much the same as those expressed in the above declaration. Adding, that they still desired their lordships to move his majesty for such a sufficient Guard about the parliament, as both houses might approve of. The lords returned for Answer to this last affair, That they had already sent to the king about it, and his majesty's Answer was, That he would do it speedily; but their lordships would renew it again. The lords ordered also, That the report from the committee appointed to consider of the accusation the attorney general had brought against the lord Kimbolton and the 5 members of the lower house, should be considered of; and that all the capital proceedings in parliament be searched into on this occasion.

Speeches of Mr. Pym, sir A. Haslerig, and Mr. Strode, in Answer to the King's Articles against them.] The following Speeches were made by Mr. Pym, sir A. Haslerig, and Mr. Strode, in vindication of themselves against the Articles of High Treason, exhibited by sir Edw. Herbert, the king's attorney general. In Dr. Nalson's Collections there is also a speech of Mr. Hampden's; but this latter, being deemed surreptitious, we shall omit. We do not find that Mr. Hollis made any Speech upon this occasion.

Mr. *Pym* spoke as follows: *—' Mr. Speaker; These Articles of High Treason, exhibited by his majesty against me, and the other gentlemen in the accusation charged with the same crime, are of great consequence, and much danger to the state. The Articles in themselves, if proved, are, according to the laws of the land, high treason. 1. To endeavour to subvert the fundamental laws of the land, is, by this present parliament, in the earl of Strafford's case, adjudged high treason. 2. To endeavour to introduce into this kingdom an arbitrary and tyrannical form of government, is likewise voted high treason. 3. To raise an Army to compel the parliament to make and enact laws, without their free votes and willing proceedings in the same, is high treason. 4. To invite a foreign force to invade this land, to favour our designs agitated against the king and state, is high treason. 5. To animate and encourage riotous assemblies and tumults about the parliament, to compel the king to assent to votes of the house, is treason. 6. To cast aspersions upon his majesty and his government, to alienate the affections of his people, and to make his maj. odious unto them, is treason. 7. To endeavour to draw his majesty's army into disobedience, and to side with us in our designs, if against the king, is treason.—I desire, Mr. Speaker, the favour of this house to clear myself, concerning this charge; I shall only parallel and similize my actions, since the sitting of this parliament, with these Articles.—1. Mr. Speaker, if to vote with the parliament, as a member of the house, wherein all our votes ought to be free, (it being one of the greatest privileges thereof to have our debates, disputes, and arguments in the same unquestionable) be to endeavour to subvert the fundamental laws; then am I guilty of the first Article. 2. If to agree and consent with the whole state of the kingdom, by vote, to ordain, and make laws for the good government of his majesty's subjects, in peace and dutiful obedience to their lawful sovereign, be to introduce any arbitrary and tyrannical form of government in the state; then am I guilty of this Article. 3. If to consent, by vote with the parliament to raise a guard or trained band, to secure and defend the persons of the members thereof, being invironed and beset with many dangers in the absence of the king; and, by vote with the house, in willing obedience to the royal command of his sacred majesty, at his return, be actually to levy arms against the king; then am I guilty of this Article. 4. If to join with the parliament of England, by free vote, to crave brotherly assistance from Scotland, (kingdoms both under obedience to one sovereign, both his loyal subjects) to suppress the rebellion in Ireland, which lies gasping every day in danger to be lost from his majesty's subjection, be to invite and encourage foreign power to invade this kingdom; then am I guilty of high treason. 5. If to agree with the greatest and wisest council of state, to suppress unlawful tumults and riotous assemblies; to agree with the house, by vote, to all orders, edicts, and declarations for their repelling, be to raise and countenance them in their unlawful actions; then am I guilty of this Article. 6. If, by free vote, to join with the parliament in publishing of a Remonstrance; in setting forth Decla-

* London printed for Peter Cole, 1641.

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rations against delinquents in the state; against incendiaries between his majesty and his kingdom; against ill counsellors, which labour to avert his majesty's affection from parliaments; against those ill-affected Bishops that have innovated our religion, oppressing painful, learned, and godly ministers, with vexatious suits and molestations in their unjust courts; by cruel sentences of pillory and cutting off their ears; by great fines, banishments, and perpetual imprisonment; if this, Mr. Speaker, be to cast aspersions upon his maj. and his government, and to alienate the hearts of his loyal subjects, good protestants and well-affected in religion, from their due obedience to his royal maj.; then am I guilty of this Article. 7. If to consent, by vote with the parliament, to put forth Proclamations, or to send Declarations to his majesty's army, to animate and encourage the same to his loyal obedience; to give so many Subsidies, and raise so many great sums of money, willingly, for their keeping on foot to serve his majesty upon his royal command, on any occasion; to apprehend and attach, as delinqents, such persons in the same as are disaffected both to his sacred person, his crown and dignity, to his wise and great council of parliament; to the true and orthodox doctrine of the church of England, and the true religion, grounded on the doctrine of Christ himself, and established and confirmed by many acts of parliament in the reigns of Hen. 8. Edw. 6. Eliz. and king James, of blessed memory: If this be to draw his majesty's army into disobedience, and side with us in our designs; then am I guilty of this Article.—Now, Mr. Speaker, having given you a touch concerning these Articles, comparing them with my actions ever since I had the honur to sit in this house as a member thereof, I humbly crave your consideration and favourable judgment of them; not doubting, they being weighed in the even scales of your wisdoms, I shall be found innocent and clear from these crimes laid to my charge. I humbly crave your further patience, to speak somewhat concerning the exhibiting of this charge; which is to offer to your consideration these Questions, viz. 1. Whether to exhibit Articles of High Treason by his majesty's own hands in this house, agrees with the Rights and Privileges thereof? 2 Whether for a Guard armed to come into the parliament, to accuse any of the members thereof, be not a Breach of the Privilege of Parliament? 3. Whether any of the members of parliament, being so accused, may be committed upon such accusation, without the whole consent thereof? 4. Whether a parliament hath not privilege to bail any member so accused? 5. Whether if any of the members of a parliament so charged, and by the house discharged, without release from his majesty, may still sit in the house as members of the same? * And thus, Mr. Speaker, I humbly crave pardon for my presumption in so far troubling this hon. house, desiring their favourable conisderation of all my actions; and that I may have such trial as to this wise council shall seem meet, chearfully submitting myself and actions to the righteous judgment of the same.'

Sir *Arthur Haslerig* spoke as follows †:—'Mr. Speaker; This misfortune of mine seems to me, at the first, exceeding strange; not only in respect of the crimes laid to my charge, but most of all having thereby incurred not only the disfavour but ireful displeasure of his sacred majesty. For the first, knowing the innocency and integrity of my heart, that it is free from any such crime, either in thought, word, or deed, against either my gracious sovereign, or my native country, I shall the more easily bear the burden of the Charge; but to groan under the burden of a most pious and wise prince's displeasure, wounds me sore.—Mr. Speaker, I humbly desire so much favour of this hon. house, to speak something of my innocence in all these crimes I am charged with.—This house, can, I hope, witness for me the manner of my carriage and disposition in any debate or arguments wherein I have been one. I hope nothing hath proceeded from me that can come, any ways, within the compass of treason. In all disputes and conclusions of any matter by vote of the house, my vote hath commonly agreed with the major part; then I hope my vote in parliament, being free, cannot be treason.—The Articles, exhibited against me and the other gentlemen, are of a most dangerous and pernicious consequence, if we should be found guilty of them; which God defend. I would to God those persons, that incensed his maj. against us, which is easily conceived who they are, were as free from thoughts and words, nay actions, within the limits of treason, as I hope we shall prove ourselves, by God's blessing.—Mr. Speaker, it is alleged we have endeavoured to subvert the fundamenal laws of this land, abridge the king's power, and deny his royal prerogatives. Give me leave, I beseech you, to speak concerning this Article. There are not, as I conceive, two forms of government in this kingdom; there are not two sorts of fundamental laws; there is but one form of government; one sort of fundamental laws; that is, the common laws of this land, and acts, statutes and ordinances of parliament. These two, depend and hang one upon another, so that

* We do not find, by the Journals, that the commons came to any formal Resolution on this or any of the foregoing questions: They seem to have thought it unnecessary; for it appears from those authorities, that Mr. Pym, Mr. Strode, and Mr. Hollis were of a committee (inter alios) upon a bill 'For enabling the Lords and Commons to adjourn this present parliament from place to place, as they shall see cause,' on the 11th of Jan., being the first day of their meeting after the late adjournment.

† Printed by Francis Constable and T. Bennet, London, 1642.

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they cannot be separated; and he that subverts the one, breaks and infringes the privileges of the other; and he that breaks the privileges of the one subverts the other. Now, to speak freely in parliament, freely called and assembled by his majesty's most royal authority; to vote freely in the same, upon the conclusion of any bill to be made a law by the whole consent of parliament, and assented to by his maj.; to agree in voting with the whole parliament, against delinquents and malefactors in the state, to bring them to condign punishment for the same; to give my vote, in the house, for removing evil counsellors from his majesty, and to place loyal and faithful ones in their place; to assent, with the whole state assembled together in council, for the settling of peace and tranquillity in the same; to ordain and enact such wholesome laws and ordinances, whereby his majesty's good subjects many be governed in righteousness and good obedience; to vote, with the house, for redressing the many grievances of the common-wealth: If these be to subvert the fundamental laws of the land, then, Mr. Speaker, am I guilty of this Article in giving my vote against the earl of Strafford; in voting those acts already made and passed by his maj.; in voting against the Bishops; in protesting to maintain the fundamental laws of the land, and the true Protestant religion, according to the true doctrine of the church of England. I say then, in this am I guilty; but if this be not to subvert the laws of the land, then, am I clear from being guilty of this Article. Mr. Speaker, I come now to the other Articles of the Charge: To endeavour to bring in an arbitrary and tyrannical form of government: To invite tumults and unlawful resorts of multitudes of people to the parliament, to be a colour for our designs; to raise forces and armies in this land to assist us in our practices: To invite foreign princes to bring an army into the land: To endeavour, by Declarations, Proclamations, and otherwise, to alienate the hearts of his majesty's loyal subjects from their lawful sovereign, thereby to avert their due obedience from him; and, having an evil opinion of his sacred maj. to persuade them to side with us, and take their parts to effect our designs. Give me leave, I beseech you, to speak concerning these crimes: And first, Mr. Speaker, to endeavour to bring in an arbitrary power and tyrannical form of government in the subject, is to deny parliamentary proceedings: To oppose the laws, enacted by parliaments; to incense his maj. against parliaments; to protest and petition against the proceedings thereof; is to bring in an arbitrary form of government: but to agree with the parliament, being a member thereof, by vote, to make and enact laws, I conceive this cannot be termed arbitrary; neither, I persuade myself, can the effects thereof be tyrannical.—2dly, Concerning the late Tumults about the house, I am innocent thereof; neither came they by my invitation or encouragement; I always thought their resorts, in that sort, were illegal and riotous: I have voted with this house for suppressing; have assented to all orders for their appeasing; agreed with the parliament, in all things, concerning their petitions and requests: then I hope this hon. house will not conceive me guilty of this crime: If it be one, and granted, yet I conceive far without the limits of treason, for these reasons: 1. They came not with arms to force any thing to be done in parliament; but humbly, by petition, shewed their grievances, and desired redress thereof; which is one privilege, and one of the greatest, to make their griefs known to a parliament, and by them to be relieved. 2. They offered no assault; but, being assaulted, preserved themselves, and departed. 3. The matter of their clamour was not against the king, nor any of his council; it was not against the lords, nor the house of commons; it was only against delinquents, against such as had been the greatest oppressors of them. 3dly. I come, in a word, to other Articles of the Charge, which I intend to speak of, under favour, altogether: I pray you, who raised any Army, actually, in this land, but the Trained Bands; which was done by the parliament, for the security of their own persons in the king's abscence; and, in obedience to his commands, at his return home, they were discharged, and afterwards again raised by his majesty's own royal authority? And for inviting or procuring any foreign princes to aid me with an army, I am altogether innocent therein; I know of no aid required but from Scotland, which is done by the parliament; my vote, as a member thereof, only agreeing with them in the same; and that aid is procured for his majesty's assistance, in subduing the rebellion, in Ireland, and, as I conceive for no other purpose. And for the last Article wherewith I am charged, I hope to be cleared by this whole house: For what Declarations, or Proclamations, have been published but by authority of the parliament, joined with his majesty's most royal power and assent thereunto? It is manifest to all people that nothing is published by the parliament, or any of the members thereof, but tendeth to the winning of the hearts of his majesty's subjects to dutiful obedience, to intire love and tender affection, towards their gracious sovereign. And I dare confidently say, that there is none of his majesty's subjects, that are true Protestants and well affected to religion, but, upon the least command of his maj. will spend their dearest blood in defence of his sacred person, his queen and princely issue; the laws and constitutions of this kingdom; parliaments and the rights and privileges thereof; religion and the doctrine of the church of England: and, therefore, I conceive I am far from intending any treason either against his majesty or his kingdoms.'

Mr. *Strode* spoke thus:—'Mr. Speaker; It is the saying of the wise man, even of a king, Solomon, the wisest of all kings that ever reign-

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ed on this earth, 'That in the countenance of the king is life and death;' like to the sun, which, by the sending forth of his glorious beams upon the fruits of the earth, nourisheth, and causeth the same to fructify and grow, gives vigour and strength to all the creatures that live in and upon the same; and, by withdrawing his light, being overshadowed with clouds, keeps back the growing and flourishing of the creature; yea, and by continuance in that his hidden motion, procureth at last the utter withering and perishing thereof.—His gracious majesty is our sun and comforter; at such time as his glorious beams of grace and favour reflect upon his good subjects, they increase and grow in an intire and tender affection towards his maj. so that no distempers, or troubles whatsoever, can separate between him and them. But this our sun, when overshadowed with clouds, and mists of discontent and disfavour towards his people, causeth them to wander in obscurity and darkness, even ready to faint and despair of any design they take in hand, for the safety and security of his maj. and his kingdoms; yea, strikes them, as it were, with death and utter destruction.—Mr. Speaker, I persuade myself our gracious sovereign, in his own natural disposition, is altogether bright and comfortable; he never causeth, or retracts to himself, any discontent towards his loving subjects, but by suggestion, information, or instigation, of malignant spirits, disaffected both to the tranquillity and peace of his maj. and the whole state of this kingdom. It is the policy only of desperate and evil-minded persons, that have been the only troublers of our Israel, finding themselves in danger (by calling of them to an account for their misdeeds and misdemeanors) to be brought to punishment for the same, to cast aspersions upon those faithful counsellors of the king and state, who strive to prevent their malicious and wicked designs from overthrowing and destroying the same.—It cannot, sir, enter into my thoughts that ever his maj. of himself, could have gone about to interrupt and hinder the happy proceedings of this his great and wise council, by accusing and impeaching the members thereof of high treason; as if they, whose hearts are united to their lawful sovereign, by nature bound to the defence and security of their country, and, by covenant with God, tied to the maintenance of his true religion, should be the betrayers and destroyers of them all together.—These Articles exhibited against myself and the other gentlemen, are, I conceive, not really intended against us as if we were actually guilty of the same; but only to procure our absence from this hon. house, that we may not have our free votes in the trial of the 12 Bishops accused; by whom, I verily believe, these Articles were drawn; and only by their advice and such as favour their cause, exhibited. And I persuade myself, were we to be apprehended and taken from this house, under pretence of trial, we should, by force, immediately be cut off; although his maj. conceives, and is really minded, we should be legally proceeded against; of such powerfulness are those persons that were the authors of them.—These Articles, if we were actually guilty, are, many of them, I confess, high treason; as to endeavour to subvert the fundamental laws; to introduce an arbitrary form of government in the state, &c. I need not speak much to clear myself of these crimes. I hope this hon. house will make such a favourable construction of all my actions, that it will be manifest to all the world, that they have been far without the compass of treason either against my king or country.—And if it shall be conceived by this hon. assembly, (as learnedly it hath already been delivered by that worthy gentleman that spake first) That, as members of a parliament, to agree with the same in all their votes, for the punishment of delinquents, settling of religion, securing of their own persons by a guard, or desiring assistance of our brethren in Scotland to suppress the rebellion in Ireland, be treason; then, I think, we are all guilty of these Articles; otherwise are we clear and innocent of the same.—Mr. Speaker, I humbly desire of this hon. house, that I may have a speedy trial upon the same; that, as I shall be found guilty by the judgment of this high court, I may know my sentence, which I shall willingly submit unto; be it to my condemnation, or preservation; wishing and praying with all my heart, that none of these evil and malicious designs, in agitation against the parliament, by any malignant persons whatsoever, may take effect to hinder the blessed proceedings thereof; but that you may go on, with courage and chearfulness, to settle all things aright, both in church and state, for the government thereof in perpetual peace and tranquillity.'

Speeches in Vindication of the Privileges of Parliament.] There are also extant, in single pamphlets of the times* the following Speeches of Mr. Grimston, Mr. Glynn, and Mr. Maynard, spoken at the beforementioned committee of the house of commons, at Guildhall.

Mr. *Grimston* (member for Colchester) spoke as follows:—'Mr. Chairman; There are no courts of judicature in this kingdom, but they have several rights and privileges appertaining and belonging unto them; and have such power and authority, in the several jurisdictions of the same offices, that they may call to an account, prosecute, and bring to judgment, the infringers of the same. Of all these courts, there is none, yea, put them altogether, they are not all, of so great power and jurisdiction, but remain inferior and subject to the ordinances and statutes of the high court of parliament. Sir, of such awful predominancy is the very name of a parliament to this nation, that it strikes with terror and despair all such evil-doers, as are malefactors in the state: on the contrary side, it enriches and comforts the

* London printed by Francis Constable, 1642.

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drooping spirits of men, groaning under the burden of tyrannical oppression, inflicted on them unjustly and maliciously, by unmerciful and wicked men that have usurped unto themselves places and offices of power and authority both in church and state.—Sir, this great and high court, is not only the powerfullest of all other courts whatsoever, but the prudentest and wisest, made and compacted not only of men sound in religion and well learned, but ripe in their judgments, selected from all parts of this kingdom, elected and chosen with the free consent of the whole body politic of the kingdom: this great and high council is not only of such power and wisdom, but endued and attended with the most and greatest privileges thereof, that not only the meanest of his majesty's subjects, but the greatest personages of the kingdom, are in danger, if infringers of the same, to be called in question, and by them punished; therefore give me leave, sir, to speak somewhat of the Privileges in this particular incident, and appertaining to this wise senate: and, in speaking thereof, I shall observe these three particulars: 1. The Rights and Privileges belonging to the same, in the free votes and judicature thereof. 2. The Rights and Privileges belonging to the power and jurisdiction thereof. 3. The Rights and Privilege in the continuance thereof; being freely called and assembled by his majesty's authority, not to be dissolved or broken up until all things agitated therein, for the good both of church and commonwealth, be fully concluded and determined.—First, Sir, concerning the Privileges of a Parliament, belonging to the free votes and judicature thereof, I shall observe these three particulars: 1. To speak freely, without interruption or contradiction, in any debate, dispute, or argument, upon any business agitated in the same, being a member thereof, I conceive to be one privilege of a parliament. 2. Not to be questioned, on any such free dispute, argument, or debate; nor to be taxed or accused for the same, either during the free sitting thereof, or after, is another. 3. Freely to give vote, judgment, or sentence, upon the reading of any bill to be made a law, or any bill, either of attainder or other charge, against delinquents and criminous persons against the state, at their trial upon the same, is a third. 4. To defend and maintain the free vote, judgments and sentences of the whole house, by Protestation, Remonstrance, or other Declaration, if not consented unto, or opposed by the house of lords, is a fourth privilege. 5. For any member of the house, not to be accused of any crime, or impeached for treason by any person whatsoever, during the continuance of the parliament, for things done in the same, without legal accusation, and prosecution of any such member by the whole house, is another privilege. 6. Not to be apprehended upon such impeachment, or arrested by any officer; or to have their studies broken open, or books and writings seized upon, without consent or warrant of the whole parliament, is another privilege of the same. And thus much, sir, shall suffice to be spoken concerning the Privileges and Rights of Parliament, appertaining to the subjects of which I am to speak.—I come now to the second thing, which was, the Rights and Privileges belonging to the power and jurisdiction of the parliament, in which I shall observe these particulars: 1. To consult and consider of what laws are fit to be made and enacted in this kingdom, for the good government thereof, is one privilege. 2. To justify or abrogate, repeal or make void, to ratify and confirm, establish and maintain, laws, statutes, and ordinances, made and enacted by precedent parliaments, by councils of state, or other courts of judicature, is a second privilege. 3. To give Subsidies, to raise taxes, to impose loans, and other charges upon the subject, is another privilege. 4. To accuse or impeach any incendaries or delinquents in this kingdom of any crime notorious, tending to the prejudice of his majesty, or any of his loyal subjects, whether it be for treason or otherwise, be they members of the parliament or not, is another privilege. 5. To prosecute and bring to judgment such persons so accused, or impeached for any crime whatsoever, is another privilege. And thus much of the Rights and Privileges belonging to the power and jurisdiction of a parliament.—And now, sir, I come to the last thing I mentioned to you, concerning the Privileges belonging to the continuance and free sitting of a Parliament, till all things be concluded on for the good government of church and state; in which I shall also observe these particulars: 1. That for a parliament, when freely called and assembled by royal authority, not to be compelled to debate any one particular business appointed by any person whatsoever, is one privilege. 2. Not to break off, or dissolve a free parliament, until all the grievances and oppression of all his majesty's loyal subjects be fully redressed and remedied, is a second privilege. 3. Not to break off, or dissolve a free parliament, till all incendiaries and delinquents in the state be brought to condign punishment for their crimes: and, 4. Not to accuse or impeach any member of the parliament, thereby to hinder and interrupt the legal proceedings thereof, in the weighty affairs of the commonwealth, is another privilege belonging to the continuance of a parliament.—And, thus having briefly declared to you the Power and Jurisdiction of a Parliament, above all other courts of judicature in this land; the wisdom and policy of a parliament, above all other councils; the rights and privileges of a parliament, in respect of the free votes and judicature thereof; the power and jurisdiction thereof; and the free continuance thereof; I humbly leave to the consideration of this house, Whether the accusation of the gentlemen, accused by his majesty, and the illegal breaking open, upon this their accusation, of their chambers, trunks, and studies, be not a Breach of some of the Privileges of Parliament which I have mentioned unto you.'

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Mr. *Glynn*, (member for Westminster) spoke thus:—'Mr. Chairman, We sit now upon that grand business of the Breaches of the Rights and Privileges of Parliaments, which are so many and great; so carefully preserved and defended in former times, by severely punishing the infringers thereof; that I had thought and conceived that no subject, of what degree or dignity soever, would either in their own persons, or by misinforming his maj. concerning the same, have presumed to have intrenched, in the least measure, upon the free liberty, rights, and very being of parliaments, or tending to the breach thereof. But, sir, I perceive by the perverseness of divers persons in places of authority, that they dare not only presume to provoke his maj. by their political misinformations, but dare attempt, of themselves, to resist the lawful power of the king and his high court of parliament.—Sir, these men dare venture to cast aspersions, and spread abroad evil reports, not only of the members, but of the proceedings of the commons against them and others of their adherents and favourites in their wicked and desperate designs against their lawful sovereign and his liege people.—I conceive, sir, did these persons but remember the many precedents, yet extant, of the just and deserved punishments, inflicted by former parliaments, upon such miscreants; as witness the abp. of York, the earl of Suffolk, chief justice Belknap, and the rest of that conspiracy, in the reign of Rd. 2. they would have prejudged to themselves the like danger would follow upon them for their evil actions.* Nay, sir, did these men but consider with themselves the just judgments of God that have immediately lighted upon the necks of such as have been the troublers of kingdoms and commonwealths, whereof they have been members, as well recorded in sacred writ as of late times in this kingdom yet still fresh in memory, they would have laid their hands upon their mouths and hearts when they went about to speak or do any thing tending to the dishonour of Almighty God; in innovating of his true religion, and corrupting the sincere doctrine and discipline of Christ and his apostles; as also any thing tending to the dishonour and perpetual destruction of his royal majesty, (however otherwise they may pretend) the fundamental laws and liberties of this kingdom, the rights and privileges of parliament, and the very being thereof: but surely, sir, they are altogether benumbed and stupified, their consciences dead and seared, their lives and conversations altogether devoted to the works of darkness and impurity; their desires altogether sensual, carnal, and devilish; forgetting God, kicking and spurning, with maliciousness, against all piety and godliness; or else they would never have adventured to practise such things, as it is too manifest they have done.—Sir, I intend to be brief in that which I am to speak, concerning the Breaches of the Privileges of Parliament. 1. To inform his majesty of any proceedings in the house of commons, upon any business whatsoever, before they have concluded, finished, and made ready the same to present to his majesty, for his royal assent thereunto: 2. To misinform his majesty, contrary to the proceedings in parliament, thereby to incense and provoke him against the same: 3. To cause or procure any information or accusation to be brought or preferred, without the knowledge or consent of the parliament, into the house, against any of the members there: 4. To apprehend any such accused, to imprison their persons, to seize upon their goods or estates, to prosecute and proceed against them, to their trial and judgment, to condemn or execute them upon such accusation, without the consent or advice of the parliament: 5. To endeavour to cast an evil opinion of such members accused, into the hearts of his majesty's loyal subjects, whereby they, disaffecting them, may be willing and ready to put in execution any command or warrant for their apprehension and imprisonment: 6. For any officer or serjeant to come, in open parliament, to demand and arrest any such member accused, be it of high treason or any other crime whatsoever, without the knowledge of the whole house: 7. To come to a parliament, sitting in free consultation, assisted and guarded with armed men; and with them, sitting the house, to demand, as it were, vi et armis, such members accused: 8. To procure to be set forth, or to set forth under his majesty's name, any Proclamation or Declaration, prohibiting the repair of such persons accused to the parliament as members thereof, and to apprehend them in what place soever they shall be found, without the advice and consent of the whole state, assembled and sitting in free parliament; all these are manifest Breaches of the Privileges of Parliament.'

Mr. *Maynard* (member for Totness) spoke as follows:—'Mr. Chairman; The intermission of parliaments, so long together, hath been the only cause, I confidently believe, of all those evils and troubles that have happened upon this and the other his majesty's kingdoms. The perverse nature of man is so froward and crooked, that it is always inclined and bent to do nothing but that which is evil: without restriction, either by the powerful preaching of the word of God, wholesome and pious discipline in the exercise of religion, and good laws made for the strict observance and performance of the same, under pain of severe punishment for not obeying thereof: I say, without restraint by such means, the corrupt nature of the flesh is not to be curbed; but will go on to the committing of all manner of wickedness, both against God, his king and country: And, sir, the only means to preserve and enjoy the sincere and pure teaching of God's Word, and pious discipline, by wholesome laws enacted and made for that purpose, is by a parliament; by that great and wise council expert in all the

* See the proceedings at large, in Vol. I. p. 198.

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sciences of good government, either of a church or common-wealth.—A parliament, sir, is the clearest looking-glass for a state perfectly to see itself in that ever was made; there is no disease, infirmity, or misery, that it groans under the burden of, but in this glass it may be perspicuously perceived, and the original and prime causes that have produced the same: this glass is not only clear and bright to look in, but it is medicinal, and of that sovereign power and efficacy, that it can cure and remedy all the grievances of the spectators therein, of what personage, degree, or dignity soever they be; of what condition or quality soever the disease be they are infected withall; of what profession or function soever, whether spiritual or temporal they are of, if they do but look herein.—Be they infected with pride, haughtiness of heart, (if in places of authority) exercising tyranny over the king's good people and loyal subjects; let them be but brought to look in this glass, they may have remedy.—Be they infected with too much ease, idleness, and plenty, (if of the clergy) whereby is produced covetousness, luxury, wantonness, avarice, and all manner of lasciviousness; neglecting their duties, in their several places in the church, as ordinary teachers and dispensers of the Word of God; or, being in authority and places of government in the church, becoming hoarse and dumb in their preaching and dispensation of the truth of God, according to the spiritual and pure meaning thereof; or else corrupt in their doctrine, teaching false doctrine, not the Word of God, but their own inventions, or the inventions and traditions of others; turning the truth into a lye, joining and adding to the same their own devices, as they are teachers and instructers of the people and children of God; or, as they are in authority, becoming proud and high-minded, not contented with their spiritual offices, but usurping to themselves temporal jurisdiction; exercising cruelty against those that are faithful and painful teachers of the Word, and holy in their lives and conversations; encouraging vain and idle persons, scandalous both in their teaching and in their lives: These, I say infected with all these sores and dangerous ulcers, looking but into this glass may receive cure.—Be they infected with bribery, injustice and oppression, (be they judges, or other officers in places of judicature in this kingdom) in their several courts over his majesty's subjects, by viewing themselves in this glass, they may receive remedy:—Be they infected with subtle plots, monopolizing devices, (be they courtiers, officers, customers, or whatsoever else) thereby procuring grants, patents, and monopolies; by them oppressing and excessively charging the subject, raising and increasing the rates and prices of all commodities, either imported or exported, in this land; if they look in this perspective, they may be cured.—Be they infected with treachery, conspiracy, or with any other devilish practice or design against his majesty or his kingdoms, as they are either Papists, Recusants, Priests, and Jesuits; or dissolute and disaffected Protestants, or Baal's Priests, that halt between divers opinions, in part Protestants, in part Papists, and in part Arminians; if they will but look into this glass, it will clearly discover and cure them.—And thus, sir, having spoken something of the nature of a parliament, and of the sovereignty thereof in discovering and curing all diseases in a common-wealth, I come to speak a word or two of the rights and privileges appertaining and belonging to a parliament. I know right well the gentlemen who have gone before me, have set forth, clearly and learnedly, the Privileges thereof. I shall only speak concerning that privilege, which one of them hath already mentioned, 'Not to be questioned or accused, (for or concerning any vote, argument, or dispute, as members of a parliament, during the free sitting thereof) either in the continuance of parliament, or after the same be dissolved or broken off, either legally or illegally.' That which I shall only speak of, is the Breach of this grand Privilege of Parliament, as I conceive, by accusing of High Treason those six worthy members of the same, during the continuance thereof, for matters debated on, and done in the same, as members thereof; and, upon this accusation, to break open their chambers, trunks, and studies, and seizing on their books and writings: These, I conceive, are great breaches of this privilege, for these reasons: 1. If to be questioned for free debating, or arguing, in parliament be no breach of this privilege, then we cannot safely intermeddle with, or agitate any business whatsoever, either concerning church or state, but what shall be appointed and nominated by his maj. and his privy council; which is a restriction of the power of parliament, given unto the same by the royal confirmation of his maj. confirming to us, at our meeting, all our rights and privileges. 2. If to accuse the members of treason, for things done in the house, be not a breach of this privilege, then is it dangerous to sit in parliament upon any business of disorders in the state, and grievances of the subject, committed by great personages, as lords and bishops; who may, by their subtle inventions, induce his maj. to favour their actions, they pretending all they do is for his honour, maintenance of his prerogative and royal power, and the like. 3. If, upon any such accusation, the chambers, trunks, and studies of such accused members may be broken open, and their writings seized on, be not a breach of this privilege, then will it altogether discourage any man to undertake any service for the good of his country; when he shall perceive he may, at pleasure, be bereaved of such means and helps as may enable and make him fit for the same.—And now, sir, having added to the former speeches what I conceive necessary to the business we have now in debate, my humble motion is, That a Declaration may be forthwith drawn, and set forth in print, giving notice to all his majetsy's loyal subjects of the Privileges of Parliament, and Breaches thereof,

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by the accusing of these gentlemen, breaking open their chambers, &c. and endeavouring to apprehend and commit them to prison; under a certain punishment to be inflicted upon those that shall obstinately refuse to observe the same.'

The committee hereupon came to several Resolutions in support of the Privileges of Parliament; which, upon the report thereof to the house, were digested into one Declaration in form; which will appear under its proper date.

The King issues out a Proclamation for apprehending Lord Kimbolton, &c.—and leaves London.] As during the before-mentioned short recess of parliament, the Journals of both houses are necessarily silent, we shall refer our readers to lord Clarendon and Mr. Rushworth for what was further done, in this interval, by the king, or the committee of the commons sitting then, first at Guild-hall, and after at Grocers Hall, in London. We only think it necessary to mention, that the accused members having withdrawn themselves into the city of London, the king went thither on the 5th of Jan. and made a speech to the common council assembled at the Guild-hall, requiring their assistance in apprehending the said members; and dined with one of the sheriffs, where he was nobly entertained. On the 8th he issued a Proclamation, commanding all magistrates and officers to apprehend and carry them to the Tower. And on the 10th, the day before the parliament met again, the king removed himself and royal family to Hampton-Court; from thence to Windsor; and, after several other removes, went down to York on the 19th of March following. Upon this occasion Mr. Whitlocke, observes, "That it was a great wonder to many prudent men, that the king should leave this city, the place of his and his predecessors usual residence; where most of his friends and servants were about him, the magazine of all provisions both for war and peace, the place for intelligence and supplies, and betake himself to the country, where these things were not to be had; and, by his leaving the town, bring great disadvantages upon himself and his affairs: this was thought not to have been done advisedly; but the fears of those with him, and his own fears for them, occasioned by great numbers of people gathered together in a very tumultuous manner about Whitehall and Westminster, and his hopes that, by his absence, the heat of the house of commons might in some measure, be cooled, were alleged in excuse for this action."

The Parliament meet pursuant to Adjournment.] Jan. 11. This day both houses being to meet again at Westminter, pursuant to adjournment, Mr. Whitlocke, again, informs us, that "The accused members were triumphantly brought from London to Westminster by water, by a great number of citizens and seamen, in boats and barges, with guns and flags, braving as they passed by Whitehall, and making large protestations, at Westminster, of their adherence to the parliament."

The house of lords began with voting, "That it was fit and necessary to have a strong and sufficient Guard, for the security of both houses, that they may sit in safety: and that it was a legal way for the houses to require the sheriffs of Middlesex and London to attend, for that purpose, with a Posse Comitatus." At the same time, the king's Answer to the parliament's last Remonstrance to him for a Guard, was reported to this effect:

"We having considered the Petition of both houses of parliament concerning a Guard, do give this Answer to it. That we will, to secure their fears, command the lord mayor of London to appoint 200 men, out of the trained bands of the city, such as he will be answerable to us for, to wait on the houses of parliament; that is to say, 100 on each house, and to be commanded by the earl of Lindsey; it being most proper to him, as being lord great chamberlain; who, by his place, hath a particular charge of the houses of parliament, and of whose integrity, courage, and sufficiency none can doubt."

Lord Kimbolton moves for his Trial.] The lord Kimbolton, one of the accused members, moved the lords, "That he lying under so great a charge, which concerned his life, his estate and his honour, which is dearest to him, the Attorney General might be commanded to prosecute the accusation against him, and he is ready to answer it: but if he be not ready, his lordship said, he tendered himself to their disposal and commands, his own innocency making him thus confident."—The Attorney General being commanded to speak about this matter, along with the other prosecutions, said "That what he did was by the express command of the king his master, and not done by his advice; since that he had attended the king to take his further directions therein. His majesty told him, That when he went out of town he would leave somewhat with the lord keeper to be laid before this house; but upon his asking the lord keeper, he told him the king had not left any, but had sent for him to attend him speedily."

Orders relating to the Magazine at Hull.] This day, sir Philip Stapylton brought up a message to the lords, to acquaint them, "That the commons were informed that there is at Hull, a Magazine of the king's with Arms for 16,000 men and proportionable ammunition: but in regard no great strength is in the town, and that the country about is full of Papists, ill-affected, the commons desire their lordships to join with them that some companies of the trained bands, next to Hull, be forthwith put into that town, for the safeguard of it and the magazine. The said trained bands to be under the command of sir John Hotham, who hath the command of that town already, by patent from the king." This was agreed to by the lords, with this addition, "That the said sir John shall not deliver up the town of Hull, or magazine there, or any part thereof, without the king's authority signified unto him by the

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lords and commons, now assembled in parliament."—Ordered, also, That the king be made acquainted with this Order very speedily.

Bill to enable the Parliament to adjourn themselves to any Place.] Sir Philip Stapylton, also, brought up a bill, intitled, 'An Act that the Lords and Commons may adjourn themselves, respectively, to any place:' which bill was read 3 times in the lords that day, and passed nem. con. The lord keeper was ordered to move his majesty, that he will be pleased to give his royal assent to the bill aforesaid, with another for pressing Mariners, and a third for redeeming Captives in Algiers.

The Commons desire the removal of Sir John Byron from being Lieutenant of the Tower.] A message was brought from the commons, to let their lordships know, "That, in regard of the great jealousies and distractions of London, by sir John Byron's being lieutenant of the Tower; the citizens shutting up their shops and giving over trade; and, in regard of their good affections expressed to the parliament, the commons desire their lordships to join with them to petition the king, that sir John Byron may be forthwith removed from being lieut. of the Tower; and that sir John Conyers be recommended for that place." The lords taking this message into consideration, a great debate arose; when, at last, it was resolved, That this house thinks not fit to join with the commons in this Petition; and this vote was immediately sent down to them.

Buckinghamshire Petition against Bishops, &c.] The last things we shall take notice of in the business of this long day, are Petitions from the county of Bucks to both houses, and entered in their Journals. They were brought up to town by divers knights, gentlemen, and freeholders, to the number, says Rushworth, of about 1000, riding every one with a printed copy of the Protestation, lately taken, in his hat. Their Petition to the commons stands thus in the Journals, and evidently shews the temper of those times:

"To the Honourable the Knights, Citizens, and Burgesses of the House of Commons, now assembled in Parliament: The humble PETITION of the Inhabitants of the County of Bucks;

"Sheweth, That whereas, for many years past, we have been under very great pressures, which are clearly set forth in the late Remonstrance of the house of commons; the redress thereof, which hath for a long time been by you endeavoured with unwearied pains, though not with answerable success; having still your endeavours frustrated or retarded, and we deprived of the fruit thereof, by a malignant faction of Popish Lords, Bishops, and others; and now, of late, to take from us all that little hope was left of a future reformation, the very being of the parliament shaken; and, by the mischievous practices of most wicked counsellors, the privileges thereof broken in an unexampled manner, and the members thereof unassured of their lives, in whose safety the safety of us and our posterity is involved; we held it our duty, according to our late Protestation, to defend and maintain the same persons and privileges, to the uttermost expence of our lives and estates: to which purpose we are now come to make the humble tender of our service, and remain in expectation of your command and order; to the execution whereof we shall, with all alacrity, address ourselves, ready to live by you, or to die at your feet, against whomsoever shall, in any sort, illegally attempt upon you.—May it therefore please this honourable assembly, to assist the ardent prayer of your petitioners, that Popish Lords and Bishops may be forthwith outed the house of peers; that all Privileges of Parliament (yours and our posterity's inheritance) may be confirmed to you; and that all evil Counsellors, the Achans of this commonweal, may be given up to the hand of justice; without all which, your petitioners have not the least hope of the kingdom's peace, or to reap those glorious advantages, which the 14 months seed-time of your unparalleled endeavours have given to their unsatisfied expectations. So your petitioners shall be bound to pray, &c."

We find, by the Journals, that this Petition was extremely agreeable to the commons.

Orders, occasioned by Informations of Plots, &c.] Jan. 12. This day the lords were informed, That there was a design discovered for killing some of that house this night; and, in particular, named the earls of Northumberland, Essex, Holland, Pembroke, and Leicester. The witness to this was one Francis Moor, called, in the Journal, an Italian, who overheard some discourse between two, in that language, tending thereto. But though the persons accused were taken up and examined, yet nothing more came of it.—The Tower of London was next the care of both houses. Informations had been given, that ammunition and provisions, in great quantities, had been carried out and in, &c. Upon this the lords agreed with the request of the commons, That a convenient guard might be put round the Tower, both by land and water, under the command of major-general Skippon; and that the common council of London might be made acquainted with this Order.

The Lieutenant of the Tower sent for by the Lords, but refuses to come.] The lieutenant of the Tower being likewise sent for to attend both houses, he gave this Answer to the message, "That he was very ready to attend the parl. according to their Order; but he conceived he could not come without his majesty's leave first obtained, in respect he had received a warrant from him, with a command not to depart out of the Tower, without his leave, but to reside there." A copy of which warrant the said lieutenant sent to the parliament.—The lords thought this refusal of the lieutenant to come, a high contempt of the Order of that house, notwithstanding the king's warrant; be-

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cause the king's command is always supposed to be implied in an Order of their house.—After some debate, the lords sent a message to the commons to acquaint them with this affair; who soon after returned their lordships these votes; 1. "That sir John Byron, the now lieut. of the Tower, hath committed a high contempt against the authority and privileges of parliament, by refusing to appear upon the summons of parliament. 2. That he shall be sent for as a delinquent." To the first vote the lords agreed, but demurred to the second for that time.

A message was brought up from the commons, that col. Lunsford and the lord Digby had appeared in arms, at Kingston upon Thames, to the terror and affright of his majesty's subjects, &c. and to desire their lordships that lord Digby might be sent for to attend their service, as a member of that house. The lords answered, That they would send for him, if he was at Kingston or at court; but if he be gone to Sherborn to fetch up his lady, he had leave to do it.

The earl of Southampton dropping some words, this day, in a debate, "That the parliament had neglected their duty to the king, for the safety of his person," he was called upon to explain them. After which it was resolved, nem. con. "That this parliament hath performed their duty to the king, for the safety of his person; and that the earl had satisfied the house with his explanation."

The King's Answer concerning the Magazine at Hull, &c.] Jan. 13. The lord-keeper reported, "That he had waited on the king, and had moved his majesty, to be pleased to give his royal assent to the three Bills lately passed. And had likewise acquainted him with the Order made concerning the putting of sir John Hotham into Hull, for the security of that town and the Magazine there." To which his majesty returns these Answers. 1. "Concerning the bill for pressing of Mariners, and that for the Captives at Algiers, his majesty is content to give his assent to them; and, for that purpose, had given warrant for a commission. But, for the bill for giving power to the houses to adjourn to London, &c. his majesty says, in regard that neither he, nor any of his council hath seen it, he will take some time to consider of it before he resolve any thing therein. For the fears concerning Hull, his majesty hath formerly considered the same; and hath already taken special care for the security of that place from the adjoining Papists."

The King waves any present Proceeding against the accused Members.] The lord keeper also reported what his majesty had commanded him to deliver, concerning the lord Kimbolton and the five Members: "That his majesty taking notice that some think it disputable, whether this proceeding against that lord and those gentlemen be legal and agreeable to the Privileges of Parliament, and being very desirous to give satisfaction to all men in all matters that may seem to have relation to Privilege, is pleased to wave his former proceedings; and all doubts being by this means settled, when the minds of men are composed, he intends to proceed therein, in an unquestionable way; and assures his parliament that, upon all occasions, he will be as careful of their privileges, as of his life and his crown."

Earl of Monmouth's Speech for the King's Return to Whitehall.] We meet with the following speech of the earl of Monmouth this day, in the house of lords, on occasion of the king's having withdrawn himself from Whitehall. *

'My Lords; I shall desire to be heard speak a few words, which I would much rather have heard spoken by any of your lordships, that so they might have a happier and a more handsome expression; though with a better heart, and clearer intentions, they could not have been spoken. The sad condition we are now in, my lords, is such as is too apparent to any man, who hath but half an eye: the city of London is full of jealousies and apprehensions; we sit not here free from fears; the king hath withdrawn himself from hence, together with his queen and children, out of a belief, as I conceive, that his majesty's person was not safe here. While things continue in this posture, my lords, we may well fear an impairing, we can hardly hope for the bettering of affairs. God hath placed us in the medium betwixt the king and his people; let us play our parts, let us do our duties, and discharge our consciences; let us really prove, what we are by name, noblemen; let us endeavour to work a perfect and a true understanding between the king and his people; let us freely unbosom ourselves to his maj.; and desire that his maj. will be pleased to do so to us; and to this end, my lords, if it shall be approved of by your lordships, I do humbly move, That, by way of conference, or any other way, we may desire the commons to join with us; first, in an humble Petition to his maj. that he would be graciously pleased to return to his good city of London, as the safest place, we conceive, for his sacred person in these distempered times; and, then, that they will likewise join with us in a profession, or protestation, That we will do what in us lies to free his maj. from his fears; to take from the citizens of London, and his majesty's other subjects, their jealousies and apprehensions; and that we will live and die his majesty's faithful advisers, counsellors, and loyal subjects.'

The Lieutenant of the Tower being, at last, come to the house, was brought to the bar; and being asked, Why he committed the high contempt yesterday, he answered, "That he was in a delemma between his majesty's commands and their lordships order; but he understanding since that the king's command is involved in that order, and was one in effect, he desired their lordships pardon for his not coming yesterday; professing, he did it not

* London, Printed for John Benson, 1642.

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out of any disobedience or contempt of the parliament." This Answer was sent to the commons, and the same day the lieutenant was dismissed his attendance on the lords for that time.

The Attorney General examined in relation to the Proceedings against lord Kimbolton, &c.] The Attorney General was then heard what he could say to justify himself, for charging the lord Kimbolton and the 5 members, and to prove it was a parliamentary proceeding, and no breach of privilege. And, first, he said, "That for the matter of the Charge, and the framing of the Articles, he had nothing to do with them, neither did his maj. advise with him therein; but the bringing of the Charge into this house, which he did by his majesty's command, and only in obedience thereunto: and for the legality of this proceeding, he insisted upon, and opened at large, the whole proceedings of the king's attorney in the earl of Bristol's Case, 2do Caroli;" (see p. 79.) which being done, the house appointed to take this business into further consideration the next day.

The lord Kimbolton, upon his majesty's late message concerning himself and the 5 Members, moved, "That since his maj. waved the former proceeding, the house would become suitors to his maj. that he may be brought to as speedy a trial as may be, that so he might not lie under this accusation; but be cleared or judged."

The commons also having desired liberty to examine the Attorney General, upon certain interrogatories, he made it his humble request to the lords, "That he may be excused from answering to any questions to discover what the king hath committed to him as secret council, which, by his oath, he is bound not to reveal; but what concerns himself he would willingly and ingenuously answer unto." And it was the sense of the house, That if Mr. Attorney, at the conference, shall desire not to answer to some questions that may be asked him, the house will take it into consideration whether it be fit for him to answer or not.

The Declaration of the Commons for putting the Kingdom into a Posture of Defence.] A message from the commons was brought up to the lords, by Mr. Whitlocke, with a Declaration for putting the Kingdom into a Posture of Defence; which, having passed their house, they desire their lordships to join with them therein, that it may be dispersed throughout the kingdom. This Declaration was as follows:

"Whereas the Papists, and other ill-affected persons within this kingdom, both before and since this parliament, by many wicked and traiterous designs, mentioned in a Remonstrance of the State of this Kingdom, have plotted and laboured the confusion of this state and government; the subversion of the antient and fundamental laws of this kingdom, and a division of the body of this common-wealth from the head thereof; to the end they might the better effect their devilish and bloody purposes, for the utter destruction of the true reformed religion and the professors of the same; and in further pursuance of their wicked endeavours, have and daily do contrive all possible means to bring this kindom into the like miserable condition with that of Ireland; as does clearly appear to the lords and commons in this present parliament, by sundry informations and examinations produced before them: and they, the better to bring the same to pass here, do secretly and cunningly work to raise distractions in this kingdom, by high breaches of the privileges of parliament; plotting to have some of the members thereof accused of high treason, and to be taken out of the house of commons by force; and, to that end, resorting in great numbers, in a warlike manner, to the very doors of the said house, armed with swords, pistols, and other weapons, ready, and intending to fall upon the said house, and cut the throats of the members there, as by divers examinations clearly appears; whereby this parliament might have been involved in blood and confusion, the relief of the Irish protestants prevented, and an evident and speedy way opened to the ruin of us and our religion here in this kingdom: but failing of their hopes therein, through the great mercy of God towards us; nevertheless, they still persist in their wicked and traiterous courses, confederating themselves with strangers, and instigating foreign princes to join their counsels and forces, and by invasion from abroad, and intestine war here amongst ourselves, to waste the wealth and substance, and totally to annihilate the true Protestant religion, and the whole frame of government in all his majesty's dominions. And, building upon that foundation, great numbers of soldiers, Papists, and other disaffected persons to our existence and well-being, have enrolled themselves in a list, under the commands of persons fit for the execution of their wicked designs; and have made great preparations of arms, ammunition, and victuals in several parts of the kingdom; where they have likewise had frequent assemblies to consult how they might compass their detestable machinations; and, through malignant counsels, have prevailed so far, as to have the Tower of London, and other places of eminent strength and trust, to be put into the hands of such persons as we have just cause to suspect will adhere to them, and turn the strength of the kingdom against itself.—All which, the lords and commons, in this present parliament assembled, as watchmen trusted for the good and welfare of the king, church, and state, having taken into their serious consideration, and labouring by all fit means to prevent these great and threatening dangers to his majesty's royal person, to our religion, lives, liberties, and fortunes, have thought good to give timely advertisement thereof to all his majesty's subjects of the reformed Protestant religion; declaring thereby that they hold it necessary and advise-

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able, that with all expedition they put themselves into a posture of defence, to provide fit arms and ammunition, and be ready, on all occasions to defend their several counties, from domestic insurrections or foreign invasions. And that the sheriffs, justices of the peace, mayors, and head officers, within their several liberties, do take care, that their magazines of powder, arms, and other ammunition be compleatly furnished; and that they cause strong guards and watches to be set in convenient places to secure themselves, and for the apprehending of such persons as they shall have just cause to suspect; and if, upon examination, any grounds of danger shall appear, to give notice thereof to the parliament; and that all officers do take care that no soldiers, arms, or ammunition, be raised or levied, nor any castles, forts, or magazines delivered up, without his majesty's authority, signified by both houses of parliament."

Jan. 14. The lords took into consideration the above Declaration; and, after much debate, the question was put, Whether the preamble of this Declaration should be referred to a committee to be so drawn, that it may appear to be the Narrative of the commons only, and so published? It passed in the negative. But though the lords refused even to commit this Declaration, yet it was resolved to have a conference with the commons, to hear the reasons that induced them to make this Narrative therein.

The King's second Message relating to the accused Members.] The lord keeper acquainted the lords, That he had just then received a Letter and a Message from the King; both which were ordered to be read, and were in these words:

"My lord keeper; This is to command you to deliver that which is contained within the inclosed Paper, as a Message from me to both houses; and that instantly, and without delay. And so I rest your assured friend,

Windsor, Jan. 14, 1641. "CHARLES R."

The Message was as follows:

"His majesty being no less tender of the Privileges of Parliament, and thinking himself no less concerned, that they be not broken, and that they be asserted and vindicated whensoever they are so, than the parliament itself, hath thought fit to add to his last Message, this profession, That in all his proceedings against the lord Kimbolton, and the five Members, he had never the least intention of violating the least privilege of parliament; and in case any doubt of breach of privilege remains, he will be willing to clear that, and assert those, by any reasonable way that his parliament shall advise him to: upon confidence of which he no ways doubts his parliament will forthwith lay by all jealousies, and apply themselves to the public and pressing affairs, and especially to those of Ireland; wherein the good of this kingdom, and the true religion (which shall ever be his majesty's first care) are so highly and so nearly concerned; and his majesty assures himself, that his care of their privileges will increase their tenderness of his lawful prerogative, which are so necessary to the mutual defence of each other; and both which will be the foundation of a perpetual perfect intelligence between his maj. and his parliament, and of the happiness and prosperity of his people."

Sir P. Stapylton's Speech on Occasion of Lord Digby and Col. Lunsford appearing in Arms at Kingston.] Jan. 15. In a debate concerning the lord Digby and the Kingston business before-mentioned,

Sir *Philip Stapylton* made the following speech:*

'Mr. Speaker; It is the continual practice of the devil, after any of his works of darkness, and maliciousness intended against God and his Christ, is discovered and annihilated by the special power of Divine Providence, to practise new; being always striving to encrease his own kingdom, always winning to himself fresh instruments, to yield to his suggestions and temptations, and execute the same.—I am now to speak concerning this new treachery and conspiracy, endeavoured to be practised by two eminent persons; that have, especially the one of them, obtained the favour not only of their prince, but applauded for their better parts by most of his majesty's subjects, the lord Digby and col. Lunsford: the first had the honour to sit in this house as a member thereof, so well approved was he both of his king and country; none more fervent against evil-doers, at the first, than himself seemed to be, both by his speeches and disputes; but, in heart, always, as it seems, favouring the bishops and their cause; and although it seemed but a little, yet encreasing daily more and more, he grew to such strength in his opinion concerning his own worth, that he adventured to take part with the earl of Strafford, trusting too much on the same: so high his pride, that at length he presumed to oppose and set himself against the proceedings of the whole house against the said earl, obstinately refusing to be admonished concerning the same; and yet, keeping many of the lords his friends, he was, by his majesty, as a baron, called to that house; and aspiring yet higher, obtained his prince's favour, not yet acquainted with his secret intentions; by which means, too confident of safety and security in his designs, he adventured openly to comply with the public enemies both of king and country, and especially now, with this other person of whom I am to speak, this colonel; who, being by his majesty advanced to that dignity and trust, could not so content himself, but imitating the water-toad, seeing the shadow of a horse seem bigger than itself, swelled to compare with the same, and so burst; even so this gentleman, having obtained first this place of command, and afterwards lieut. of the Tower, and being found of such a malig-

* From Nalson's Collections.

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nant spirit that he was unfit and incapable for that great place of trust, and therefore removed; taking the same a great dishonour to his worth, he now endeavours, by traiterous and desperate actions, to defend himself, and be revenged of his pretended adversaries; and to that purpose they have, between them jointly, raised arms against the state met together in peaceable consultations for the good of the church and commonwealth.—Mr. Speaker, these attempts, made by these persons, are of dangerous consequence; and this their insurrection, (by taking up arms without warrant both from his royal majesty and this high court of parliament, only to do mischief in raising sedition and contention, thereby to preserve themselves from being called to an account for their desperate actions) will prove harder to appease and suppress, than any troubles we have yet suffered.—Mr. Speaker, I conceive quick dispatch in our intentions, for the apprehending and suppressing these persons, is the only means to prevent future danger; and to that purpose I desire to present to your considerations these particulars: 1. That warrants may issue forth for the speedy and private apprehending of them, in what places soever they shall be found, and immediately to bring them before the parliament. 2. If this cannot be effected, to issue forth proclamations for their calling in, within a certain time prefixed, under penalty of being prosecuted and proceeded against as traitors to their king and country. 3. That warrants be forthwith sent for the guarding and securing of all the ports of this kingdom; and for the intercepting of all packets or letters intended to be conveyed into foreign kingdoms, or any brought from thence hither. 4. That order be sent down into the several counties of this kingdom, where it is suspected either of these persons have any friends or favourites, well-wishers to their cause; with command to the sheriffs, and several officers of such counties, to stand upon their guard, and to raise force for their own defence and safety; and to endeavour, by all means possible, to apprehend and suppress them and such of their conspiracy as shall be taken, presently to be sent up to parliament, to be examined and prosecuted according as they shall be found. 5. That order may be made by the parliament, That no officer, that shall be found to have a hand in this Plot, may be employed in any service of public command, either for Ireland or any other of his majesty's dominions, or any private affairs of this kingdom. 6. That we may, without further delay, proceed to sentence against all delinquents, by this hon. house accused for any crime whatsoever, in whose defence, or for whose cause, these persons now accused pretend to take up arms. 7. That his maj. may be moved graciously to be pleased to declare himself against these persons, and all others that do any ways pretend to his authority or warrant for what they do. 8. His majesty may be moved to avert his intended Journey to Portsmouth; for the security of his royal person, till such time as these dangers be removed, and the peace and unity of all his majesty's loyal subjects be settled.—And thus, Mr. Speaker, having presented such things to this house, which I humbly conceive to be necessary to suppress and prevent this new danger, threatened by these two disaffected and male-contented persons, the lord Digby and colonel Lunsford, I leave the same to the further consideration of this hon. house; desiring, from my heart, that it would please God to end all the troubles and distempers of this commonwealth; and that this high court of parliament may prove the firm settlement of all things amiss, both in church and state.'—The effect of this speech will be seen in the sequel.

The Commons renew their Desire to the Lords for removing the Lieutenant of the Tower.] This day a conference was held between the two houses, at the desire of the commons, concerning the Tower of London; wherein they renewed their former motion, That the lords would join with them, in getting the present lieutenant removed, and such a person put in as the king, parliament, and city may confide in. They said, "That sir John Byron had been disobedient to the summons of both houses; but that they spoke not, as desiring he might be punished for it, but as a ground of distrust. That the citizens said, Though the lieutenant might be a worthy gentleman otherwise, yet he was a man unknown to them, and that his being in that post produced ill effects. That the merchants began to draw their bullion out of the mint; had wrote to their factors to send no more; that a ship was in the Thames, in which was a great deal of bullion, but the owners would not carry it to the Mint, because they cannot confide in the lieut. of the Tower. That it concerned the city and trade exceedingly, for it was a charge to the city to keep a guard about the Tower; therefore they desire their lordships to join with them, in petitioning the king to have this man removed, and sir John Conyers put in his place."—Before the lords would come to any Resolution on this affair, they ordered that certificates should be made of these matters, from the common council of London, and the merchants there, of the decay in trade, &c. and whether it proceeded from sir John Byron's being lieut. of the Tower; and these to be speedily laid before the lords in parliament.

The Lords refuse to let the Earls of Essex and Holland go to the King at Hampton-Court.] The earl of Essex acquainted the house of lords, That the king had commanded him, as lord chamberlain of the household, and the earl of Holland, as groom of the stole, to attend his majesty at Hampton-Court; concerning which they prayed the pleasure of the house, being required, by their writs, there to attend the business of the kingdom. The lords resolved, Not to dispense with their absence, in respect of the many great and urgent affairs

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depending: hereupon they excused themselves to his majesty, as well as they could, That, in obedience to his writ, they were obliged to assist in parliament; and that their attendance there, about the high affairs of the realm, was truer service to his majesty than any they could do him at Hampton-Court.—Lord Clarendon tells us, "This refusal so incensed the king, that from this time he was determined to remove those two lords from their respective offices." But he did not put his resolution into execution till the April following, as will appear in the sequel.

A Remonstrance from the Commons to the Lords against the Lord Digby.] Jan. 15. *p. m.* A Remonstrance came up from the commons, about horses and armed men raised near Kingston, to the number of 1000, to their amazement, that in time of peace, and the parliament sitting, such forces should be raised. They desired also, that such persons as raised them may be declared disturbers of the peace of the kingdom; and that the lord Digby, who had been with the soldiers at Kingston, and had given them thanks in the king's name, and told them 'That his majesty had brought them out of London to keep them from being trampled in the dirt,' might be sent for forthwith to attend the house. Hereupon it was ordered, That the lord Digby shall be sent for to attend the house, as a peer of this realm, without fail.

The Examination of the Attorney General concerning the Articles against the accused Members.] This day Serjeant Wylde reported the conference had on Thursday night last with the lords, concerning Mr. Attorney's exhibiting Articles in the lords house against members of this house, as follows: "The conference consisted of two parts; 1. The Narrative Part, That these Articles exhibited by Mr. Attorney, and entered in the lords house, was a Breach of Privilege of parliament; and that, in due time, this house would desire that justice may be done upon Mr. Attorney. The second part was, To examine Mr. Attorney upon certain questions, and to receive his Answer: 1. He being asked, Whether he contrived, framed, or advised the said Articles, or any of them; if not, then whether, he doth know or hath ever heard, who did frame, contrive, or advise the same or any of them? To this he answered, 'That he would deal clearly freely, and ingenuously, and that he should say the same which he had before delivered to the lords, and should need no long time to Answer this; for, that he had done none of these three, that is, neither framed, advised, or contrived these Articles, or any of them; and would be contented to die if he had.' 2. Being demanded, Whether he knew the truth of these Articles, or any of them, of his own knowledge, or had it by information? To this he answered, 'He did know nothing, of his own knowledge, of the truth of these Articles, or any part of them, nor hath heard it by information. All that ever he hath heard concerning this was from his master. 3. Being asked, Whether he will make good these Articles, when he shall be thereunto called in due course of law? To this he answered, 'He cannot do it, nor will not do it, otherwise than as his master shall command him and shall enable him, no more than he that never heard of them can do it.' 4. Being asked, From whom he received these Articles, and by whose direction and advice he did exhibit them? He answered, 'He did exhibit them by his master's command, and from his hands he did receive them.' 5. Being asked, Whether he had any testimony, or proof, of the Articles before the exhibiting of them? He gave this Answer, 'That he received the command of his majesty: but whether he had any proof then offered, or intimation of testimony, to make good those Articles, he desired time to consider of it.' He was pressed again to make Answer to this, but desired time to consider of it, saying, 'There was a secret trust between a master and a servant, much more in this case.'—Hereupon it was ordered, "That some way be thought of for charging Mr. Attorney, by this house, as criminous, for exhibiting those Articles in the lords house, against members of this house, without any information or proof that appears; and that this house, and the gentlemen charged by him, may have reparation from him; and that he may put in good security to stand to the judgment of parliament." It was also resolved, "That a committee be appointed to prepare a charge against Mr. Attorney, upon these votes of the house."

The lord keeper reported the effect of another conference held this afternoon, by the desire of the commons, concerning the king's last Messages, about the impeachment of their 5 Members, "That the commons had taken them into serious consideration, and had resolved upon the question, That the said Impeachment, and the proceedings thereupon, is a high Breach of Privilege of Parliament: That, in order to vindicate this breach, they propose a committee of both houses may meet to consider about it; and to petition his majesty, That those who informed him against these members, may come in five days time to charge them; or else that they may be cleared, in such a way as the parliament shall think fit." The lords, hereupon passed the same vote as the commons, and appointed a committee of 21 of their house to meet with a proportionable number of the commons, to consider of this affair.

Jan. 17. The king's Answer to some propositions sent him on the 15th was, "That as to the bill for adjourning the Parliament from Westminister to London, or any other place, his majesty will take further time to consider of it. And as to the securing the town and Magazine at Hull, his majesty conceiveth he hath formerly given a satisfactory answer."

A committee of the lords and commons were appointed, jointly, to meet at Grocers Hall, in London, to consider of the Safety of the Kingdom, the Privileges of Parliament, the Affairs of Ireland, and concerning settling the present Distempers.

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The Lords refuse to join with the Commons for removing the Lieutenant of the Tower.] Some Merchants and Goldsmiths having presented a Petition to the lords this day, against the Lieutenant of the Tower, they were called in and asked these questions: 1. What number of Merchants and Goldsmiths besides themselves, brought in bullion to the Mint? They answered, Sir Peter Richaut, and some few more, but not many. 2. What reason they had for their fears and jealousies of sir John Byron, and why they forebore to bring their bullion to the Mint? They said, 'They heard he had disobeyed the orders of both houses of parliament; also, that he was a gentleman unknown to them; and they desired to have such a lieutenant put in as the parliament approved on.'—The merchants, being withdrawn, a great debate arose amongst the lords, till the question being put, Whether this house will join with the commons in an humble Petition to his majesty to remove sir John Byron, knt. from being lieutenant of the Tower of London, and to place sir John Conyers in his room? It passed in the negative.

Answer of the 12 Bishops, to the Charge against them.] This day the 12 Bishops were brought severally, to the bar of the house of lords, a committee of the commons being present; and first the abp. of York, who, kneeling as a delinquent, was bid to rise; when the lord keeper, by direction of the house, told him, That this was the day appointed for him to give in his Answer to the Impeachment of the Commons against him for High Treason.—His grace answered, That on the 30th of Dec. last he received an order, with an Impeachment, against himself and 11 other Bishops, of High Treason, by the commons; and since, he had also received several other orders, on several days, to put in their Answers; and the last order for this day; that he was come according to their lordships commands; and for his own Answer to the charge, he gives it in this manner.

"I John, archbishop of York, saving to myself all advantages of exception to the insufficiences of the said Impeachment, for myself say, That I am not guilty of the Treason charged by the said Impeachment, in manner and form as the same is therein charged."

The archbishop desired a present, or speedy trial, and then withdrew. In like manner all the rest of the bishops were brought to the bar, and gave the same answer. Afterwards the bishops delivered in the following Petition:

To the Right Hon. the Lords, assembled in the House of Peers: The Humble PETITION of John Archbishop of York, and other the Bishops impeached by the House of Commons, the 30th of December last,

"Humbly Sheweth; That your petitioners, by your honourable order, were to put in their Answers thereunto the 7th instant, and have had, since, several days for that purpose assigned them, and are now, the 17th instant, brought hither by your lordships order. They having always been as now, ready to obey your lordships commands; and may of them being already much impaired, both in their healths and estates; do humbly pray, that a speedy proceeding may be had therein, and that, in the mean time, they may be admitted to bail. And your petitioners shall ever pray, &c. Jo. Eborac', Tho. Duresme', Rob. Co. Liche', Jos. Norwic', Jo. Asaphen', Ro. Oxon', Guil. Bath & Welles', Geo. Hereff', Math. Elien', Godfrey Gloucest', Jo. Petriburgh', Morg. Llandaff'."

The Lords ordered the Trial of the 12 Bishops to be on the 25th instant, and, in the mean time, the bishops of Durham, and Coventry and Litchfield were remanded to the custody of the black rod, and all the rest to the Tower.

The King's Letter concerning the Safety of the Prince.] A Letter from the King was sent to the house by the lord keeper, and some Papers inclosed, which were to be communicated to the house; which were read in these words:

"His majesty hath seen the lords' Order, upon the motion of the house of commons, given to the marquis of Hertford, concerning his care and attendance upon the Prince, not without wonder that this parliament should make such an order; which can hardly be otherwise understood, than that there had been a design of sending the Prince out of the kingdom; which must necessarily throw reflections upon his maj. the prince being now in the same place with him; and his maj. hath shewed himself both so good a father and a king, that he thinks it strange that any should have such a thought, as that he would permit the prince should be carried out of the kingdom, or that any durst give him such counsel."

Ordered, That this message should be sent to the commons at Grocers-Hall; and then the lords adjourned to the 20th instant.

Declaration of the Commons touching the Breach of their Privileges in the Proceedings against the 5 Members.] Jan. 19. This day the following Declaration, in pursuance of three Reports from the late committee at Guildhall and Grocers Hall, appeared in print, according to an order of the 12th:

A DECLARATION of the House of Commons, touching a late Breach of their Privileges, for the Vindication thereof, and of divers Members of the said House.

"Whereas the chambers, studies, and trunks of Mr. Hollis, sir A. Haslerig, Mr. Pym, Mr. Hampden, and Mr. Strode, members of the house of commons, upon Monday the 3rd of this instant Jan. by colour of his majesty's warrant, have been sealed up by sir W. Killegree, and sir W. Fleming, and others; which is not only against the Privileges of Parliament, but the

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common liberty of every subject; which said members, afterward the same day, were, under the like colour, by serjeant Francis, one of his majesty's serjeants at arms, contrary to all former precedents, demanded of the Speaker, sitting in the house of commons, to be delivered unto him, that he might arrest them of High Treason: And whereas afterwards, the next day, his majesty, in his royal person, came to the said house, attended with a great multitude of men, armed in warlike manner with halberts, swords, and pistols; who came up to the very door of the house, and placed themselves there, and in other places and passages near to the said house, to the great terror and disturbance of the members, then sitting, and, according to their duty, in a peaceable and orderly manner, treating of the great affairs of England and Ireland: And his maj. having placed himself in the Speaker's chair, demanded of them the persons of the said members to be delivered unto him; which is a high breach of the rights and privileges of parliament, and inconsistent with the liberties and freedom thereof; And whereas afterwards his maj. did issue forth several warrants to divers officers, under his own hand, for the apprehension of the persons of the said members; which, by law, he cannot do, there being not, all this time, any legal charge or accusation, or due process of law, issued against them, nor any pretence of charge made known to that house: All which are against the fundamental liberties of the subject and the rights of parliament. Whereupon we are necessitated, according to our duty, to declare, and we do hereby declare, That, if any person shall arrest Mr. Hollis, sir A. Haslerig, Mr. Pym, Mr. Hampden, and Mr. Strode, or any of them, or any other member of parliament, by pretence or colour of any warrant issuing out from the king only, he is guilty of the breach of the liberties of the subject, and of the privilege of parliament, and a public enemy to the common-wealth; and that the arresting of the said members, or any of them, or of any other member of parliament, by any warrant whatsoever, without a legal proceeding against them, and without consent of that house whereof such person is a member, is against the liberty of the subject, and a breach of privilege of parliament; and the person which shall arrest any of these persons, or any other member of the parliament, is declared a public enemy of the common-wealth: Notwithstanding all which, we think fit further to declare, That we are so far from any endeavour to protect any of our members that shall be, in due manner, prosecuted, according to the laws of the kingdom, and the rights and privileges of parliament, for treason, or any other misdemeanor, that none shall be more ready and willing than we ourselves, to bring them to a speedy and due trial; being sensible, that it equally imports us, as well to see justice done against them, that are criminous, as to defend the just rights and liberties of the subjects and parliament of England.—And whereas, upon several examinations taken the 7th day of this instant Jan. before the committee appointed by the house of commons to sit in London, it did fully appear, that many soldiers, papists and others, to the number of about 500, came with his maj. on Tuesday the 4th instant, to the said house of commons, armed with swords, pistols, and other weapons; and divers of them pressed to the door of the said house, thrust away the door-keepers, and placed themselves between the said door and the ordinary attendants of his maj. holding up their swords; and some holding up their pistols ready cocked near the said door; and saying, 'I am a good marksman; I can hit right, I warrant you'; and they not suffering the said door, according to the custom of parliament, to be shut; but said, 'They would have the door open; and, if any opposition were against them, they made no question, but they should make their party good; and that they would maintain their party:' And, when several members of the house of commons were coming into the house, their attendants desiring that room might be made for them, some of the said soldiers answered, 'A pox of God confound them'; and others said, 'A pox take the house of commons; let them come, and be hanged; what a-do is here with the house of commons:' And some of the said soldiers did likewise violently assault, and by force disarm, some of the attendants and servants of the members of the house of commons, waiting in the rooms next the said house; and, upon the king's return out of the said house, many of them, by wicked oaths, and otherwise, expressed much discontent, that some members of the said house, for whom they came, were not there: And others of them said, 'When comes the Word?' And no word being given, at his majesty's coming out, they cried, 'A Lane, A Lane:' Afterwards, some of them, being demanded, 'What they thought the said company intended to have done,' answered, 'That, questionless, in the posture they were set, if the Word had been given, they should have fallen upon the house of commons, and have cut all their throats:' Upon all which, we are of opinion, that it is sufficiently proved, that the coming of the said soldiers, papists, and others, with his majesty, to the house of commons, on Tuesday being the 4th day of this instant January, in the manner aforesaid, was to take away some of the members of the said house; and, if they should have found opposition or denial, then to have fallen upon the said house in a hostile manner: And we do hereby declare, That the same was a traiterous design against the king and parliament. And whereas Mr. Hollis, sir A. Haslerig, Mr. Pym, Mr. Hampden, and Mr. Strode, members of the said house of commons, upon report of the coming of the said soldiers, papists, and others, in the warlike and hostile manner aforesaid, did, with the approbation of the house, absent themselves from the service of the house, for avoiding the great and many inconveniences which otherwise apparently

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might have happened: Since which time, a printed Paper, in the form of a Proclamation, bearing date the 6th day of this instant Jan. hath issued out, for the apprehending and imprisoning of them; therein suggesting that, through the conscience of their own guilt, they were absent, and fled; not willing to submit themselves to justice: We do further declare, That the said printed Paper is false, scandalous, and illegal; and that, notwithstanding the said printed Paper, or any warrant issued out, or any other matter yet appearing against them, or any of them, they may and ought to attend the service of the said house of commons, and the several committees now on foot.—And we do further declare, 'That the publishing of several Articles, purporting a form of a Charge of High Treason against the lord Kimbolton, one of the members of the lords' house, Mr. Hollis, sir A. Haslerig, Mr. Pym, Mr. Hampden, and Mr. Strode, members of the house of commons, by sir Wm. Killegree, sir Wm. Fleming, and others, in the Inns of Court, and elsewhere, in the king's name, was a high breach of the privileges of parliament; a great scandal to his majesty, and his government; a seditious act, manifestly tending to the subversion of the peace of the kingdom; and an injury and dishonour to the said members, there being no legal charge or accusation against them.—That the privileges of parliament, and the liberties of the subject, so violated and broken, cannot be fully and sufficiently vindicated, unless his maj. will be graciously pleased to discover the names of those persons, who advised his maj. to issue out warrants for the sealing of the chambers and studies of the said members; to send a serjeant at arms to the house of commons to demand the said members; to issue out several warrants, under his majesty's own hand, to apprehend the said members; his majesty's coming thither in his own royal person; the publishing of the said Articles, and printed Paper, in the form of a Proclamation, against the said members, in such manner as is before declared: to the end that such persons may receive condign punishment.—And this house doth further declare, That all such persons as have given any counsel, or endeavoured to set or maintain division or dislike, between the king and parliament; or have listed their names, or otherwise entered into any combination or agreement, to be aiding, or assisting, to any such counsel or endeavour, or have persuaded any other so to do; or that shall do any the things abovementioned: and shall not forthwith discover the same to either house of parliament; or the Speaker of either of the said houses respectively, and disclaim it; are declared public enemies of the state and peace of this kingdom, and shall be inquired of, and proceeded against accordingly."

The King's Message, desiring the Parliament to settle all Grievances in a summary Way.] Jan. 20. The lord keeper signified to the lords, that he had just then received a Paper from the king, directed to both houses of parliament; which was ordered to be read, and was in hæc verba:

"His majesty perceiving the manifold distractions which are now in this kingdom, which cannot but bring great inconvenience and mischief to the whole government; in which, as his majesty is most chiefly interested, so he holds himself, by many reasons, most obliged to do what in him lies for the preventing thereof: and though he might justly expect, as most proper for the duty of subjects, that propositions, for the remedies of these evils, ought rather to come to him than from him; yet his fatherly care of all his people being such, that he will rather lay by any particular respect of his own dignity, than that any time should be lost for preventing of these threatening evils, which cannot admit of the delays of the ordinary proceedings in parliament, he doth think fit to make this ensuing proposition to both houses of parliament; That they will, with all speed, fall into a serious consideration of all those particulars which they shall hold necessary, as well for the upholding and maintaining of his majesty's just and regal authority, and for the settling of his revenue, as for the present and future establishment of their privileges; the free and quiet enjoying of their estates and fortunes; the liberties of their persons; the security of the true religion now professed in the Church of England, and the settling of Ceremonies in such a manner as may take away all just offence; which, when they shall have digested and composed into one intire body, that so his maj. and themselves may be able to make the more clear judgment of them, it shall then appear by what his maj. shall do, how far he hath been from intending or designing any of those things which the too great fears and jealousies of some persons seem to apprehend; and how ready he will be to exceed the greatest example of the most indulgent princes in their acts of grace and favour to their people: so that if all the present distractions, which so apparently threaten the ruin of this kingdom, do not, by the blessing of Almighty God, end in an happy and blessed accommodation, his maj. will be ready to call heaven and earth, God and man, to witness that it hath not failed on his part."

After reading this Paper, a message was immediately sent to the commons, to acquaint them that their lordships had received a gracious Message from his majesty, which fills their hearts full of joy and comfort; which being directed to both houses, they desire it may be delivered to them, at a present conference, in the Painted Chamber.—The conference being ended, the lords thought proper to draw up an Answer of Thanks to the king's gracious Message; which was read and agreed to in these words:

"Whereas the houses of parliament have received from your majesty a Message, expressing much grace and favour to all your majesty's subjects, they have thought fit to re-

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turn your majesty most humble thanks for the same; and to let your maj. know, that they will take it into such speedy and serious consideration, as a proposition of that great importance doth require."

Ordered, That this be sent down to the commons to desire them to join in it; but no present Answer was returned.

Conference about the Magazine, &c. at Hull.] A conference was desired by the commons, concerning the town of Hull; which being agreed to by the lords, it was reported back to the house, by the lord keeper, to this effect:

"That the house of commons did put their lordships in mind of their late Order, concerning the placing of sir John Hotham governor of Hull; and had power given him to draw into that town some of the Trained Bands of that county, for securing the town and the king's Magazine there, the said sir John being governor, by the king's grant under the great seal; yet the said Order is disobeyed, and the companies not suffered to come into the town; which appears by a letter from Mr. Hotham, deputy to sir John, importing, That the earl of Newcastle is there, with a letter under the king's hand and seal manual, to have the town and magazine delivered into his hands, as governor; and to draw in such of the Trained Bands as he shall think fit; particularly the regiment of sir John Metham. That the Order of parliament hath been pressed to the mayor and aldermen of the town, who answer, They were willing to obey the king and parliament, but, for the present, they had wrote to both, and until they had an Answer, they were not willing the men, who were presented at the gate, should be admitted. The men who were most averse, were Mr. alderman Atkinson, the present mayor, Mr. Barnard, and one Mr. Cartwright; who, if sent for and punished, and a peremptory Order made for obedience to the commands of the parliament, the business would be effected.—The commons further say, That they held this to be an injury to both houses, and to the earl of Essex, who is lord lieutenant of Yorkshire, under the great seal of England, and recommended to the king, by both houses, for his nobleness and approved confidence, to that place: they therefore desire, That the earl of Newcastle, as a peer of this house, may be sent for, to shew by what warrant he came to be governor of Hull, and to raise the power of the county."

The lords, after some consideration of this matter, directed the lord keeper to write to the earl of Newcastle to come and attend the house immediately. They ordered, also, That the mayor, and the other aforenamed persons, should be sent for, and bring up their charter along with them.

A message came up by sir Philip Stapylton, importing, "That the commons had heard there was a report carried to the Queen, as if that house had an intention to accuse her majesty of High Treason, and that some Articles were brought to the queen for that purpose; and, as they understand, the earl of Newport was told as much by the queen herself. The commons conceive this to be a great abuse upon them, never having any such thing in their thoughts; they desire their lordships to join with them in sending some from both houses to the Queen, humbly to desire her maj. that she will be pleased to discover the party that gave her this information, and delivered those Articles to her." The lords agreed to this, and ordered the earl of Newport and the lord Seymour to wait upon her maj. accordingly.

The commons refused to join with the lords in their Answer to the king's last Message without an Addition, the substance of which was, "That he would be pleased to put the Tower of London, with all the other forts, and militia of the whole kingdom, into such hands as the parliament could confide in."

The Commons petition the King to hasten the Trials of Lord Kimbolton, &c.] The commons drew up a Petition, and sent it to the lords; which was in these words:

To the King's most Excellent Majesty; The humble PETITION of the LORDS and COMMONS, now assembled in Parliament,

"Sheweth; That whereas, of late, there have been sundry and great Breaches of the Privileges of Parliament; and your majesty, in a Message to both houses, was pleased graciously to express, that you would be willing to clear and assert them, by any reasonable way your parliament should advise you to; we shall, in convenient time, present the particulars to you, together with our advice and desires, for the asserting our privileges; and whereas your maj. by another Message to both houses, hath expressed an apprehension of some treasonable matter to have been committed, by the lord Kimbolton, Mr. Hollis, and the rest; and declared, That you will, hereafter, proceed against them in an unquestionable way: We your lords and commons do humbly beseech your maj. that you would be pleased to give directions, that your parliament may be informed, in a few days, what proof there is against them; that, accordingly, there may be a parliamentary and a legal proceeding against them; and they receive, in justice, what shall be their due, either for their acquittance or condemnation.—This we humbly conceive we are bound to crave, both in regard of ourselves, and of them; being unfit that we should have any of our members liable to so great a charge; and thereby hindered from doing the service they respectively owe to their several houses; as that they, if innocent, should longer lie under so great a weight; or, if guilty, avoid their deserved punishment."

The lords agreed to this Petition, and ordered some of their body to join a committee of the commons to present it to the king the next day.

The King's Answer.] Jan. 24. The king's Answer to the above Petition, was reported

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to the lords by the earl of Newport, to this purport:

"That he doth well approve of the desire of both houses, for the speedy proceeding against the persons, mentioned in the Petition; wherein his maj. finding the great inconveniences, by the first mistake, hath endured some delay, that he might be informed in what order to put the same. But, before that be agreed upon, his maj. thinks it unusual to discover what proof there is against them; and therefore thinks it necessary, lest a new mistake should breed more delay, which his maj. to his power will avoid, that it be resolved, Whether he be bound, in respect of privilege, to proceed against them by Impeachment in parliament, or whether he be at liberty to prefer an indictment at the common law, in the usual way, or have his choice of either: whereupon his maj. will give such speedy directions for the prosecution, as will shew his desire to satisfy both houses, and put a determination to this business."

This day the lords took into consideration the Addition the commons had sent up to them, to be added to their Address of Thanks to the king for his last gracious Message to both houses. And, after a long debate, it was, on the question, rejected; upon which the following Protest was entered against it.

"Whereas the desire brought from the house of commons, about the forts and militia of the kingdom, concerneth much the safety of it, the king's service, and the general peace and quiet of the land; and, as we conceive, is absolutely necessary to the settling the present distempers, and tendeth to the furtherance of trade, now much obstructed and decayed, as hath been represented by several Petitions from the city of London and sundry other counties: we protest against the vote of rejecting of that desire of the commons, and do testify our dissent, to discharge ourselves from all the mischief and ill consequences that may thereupon follow. (Signed) Essex, Warwick, Pembroke, Holland, Stanford, Bedford, Leicester, Clare, Lincoln, Sarum, Bolingbroke, Peterborough, Thanet, Nottingham, Say and Sele, Conway, Paget, Kimbolton, Brooke, Roberts, North, Wharton, St. John, Spencer, Newnham, Willoughby, Bruce, Dacres, Howard de Escrick, Grey de Werk, Chandois, Hunsdon."

Mr. Pym's Speech at a Conference occasioned by many Petitions for a Reformation in Church and State.] Jan. 25. Petitions were now daily presented from various counties of England to the parliament, for a Reformation both in Church and State; and this day the commons desired a Conference with the lords concerning them. On which occasion

Mr. *Pym*, who was appointed to manage the same, spoke as follows: "My lords; I am commanded by the knights, citizens, and burgesses, assembled for the commons in parliament, to present to your lordships divers Petitions, which they have received from several parts, concerning the State of the Kingdom; whereunto they are chiefly moved by that constant affection which they have always expressed, of maintaining a firm union and good correspondence with your lordships; wherein they have ever found much advantage and contentment, but never held it more important and necessary than at this time, wherein the wisdom and resolution of parliament have as many great dangers and difficulties to pass through as ever heretofore.—We are united in the public trust, which is derived from the commonwealth, in the common duty and obligation whereby God doth bind us to the discharge of that trust: and the commons desire to impart to your lordships whatsoever information or intelligence, whatsoever encouragement or assistance, they have received from those several counties which they represent; that so likewise we may be united in the same intentions and endeavours of improving all to the service of his majesty, and the common good of the kingdom. —The Petitions, which I am directed to communicate to your lordships, are 4; from London, Middlesex, Essex, and Hertfordshire. We have received many more, but it would take up too much time, and be too great a trouble to peruse all; and in these 4 you may perceive the effect and sense of all: first, I am to desire your lordships to hear them read; and then I shall pursue my instructions in propounding some observations out of them."

The Humble PETITION and ANSWER of the Mayor, Aldermen, and the rest of the Common Council of the City of London, to the Honourable House of Commons.

The PETITION.

"Sheweth; That the committee of this hon. house, upon Saturday, the 22d of this instant Jan. sent a message to the petitioners for the loan of 100,000*l.* or of so much thereof as could conveniently be forthwith raised, for levying of forces to suppress the rebels in Ireland; to which Message something was then answered, and a further Answer in writing promised. In performance whereof they humbly present the Answer following, together with the Reasons thereof, desiring that the same (being the best that, for the present, they are able to give) may be favourably accepted. And they shall ever pray, &c."

The ANSWER.

"The petitioners are duly and deeply sensible of the great miseries of their brethren in Ireland, and of the imminent danger, not only of the total loss of that kingdom, but of the ruin of this also, if that of Ireland should, which God forbid, be lost. And as they have hitherto shewed themselves ready, even beyond their abilities, to serve the king and parliament; so shall they ever continue, to the utmost of their power, with all cheerfulness and duty: but, at the present, they are compelled to repeat their former Answer, that they have no power to raise any sums, by way of tax, for any foreign use; and do further answer, that they have no means to do it, otherwise than by the imme-

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diate personal consent of every particular lender, which they cannot hope to obtain, in regard of these Obstructions following; which the petitioners humbly present, together with this their further Answer, as the Reasons thereof: 1. That immediately before the parliament, and since, divers great sums, for the service of the king and kingdom, have been already lent by the citizens of London, besides 50,000*l.* for the supply of Ireland in particular; a great part whereof some of the lenders were compelled to borrow, and cannot, to this day, repay. 2. That such part of those monies as are already due to the citizens from the parliament, and should have been repaid out of the Poll-money and Subsidies, is not yet done, because there is not any considerable sum come in from the country, as was expected, to satisfy the same. 3. That the said 50,000*l.* lent for Ireland, was hastened and speedily paid within near about 2,000*l.* upon this ground then urged by the parliament, that if it were forthwith lent, it might be of more use to preserve that kingdom than the loan of 200,000*l.* could be, if deferred but six weeks; yet no considerable forces are sent thither to this day. And we find that men will not be willing to lend any thing, till they are assured that a good strength be sent thither, with full commission, to relieve Londonderry, and other parts of that kingdom. 4. The general witholding of very great sums of money from the Petitioners, and many others; which monies have been long due, not only from chapmen and other debtors in England, but from very many in Ireland, who owe many hundred thousand pounds to the citizens of London, doth render divers persons, of good estates and credit, hardly able to go on with trade, or to pay their debts and maintain their charge. 5. The brotherly offer of Scotland to send 10,000 men into Ireland, not yet so accepted as to produce any relief to that bleeding kingdom, while yet our brethren are daily massacred there, discourageth most men from lending any money, were they ever so able. 6. The not passing the Bill for pressing of Soldiers here, whereby such forces as are requisite might be timely sent from hence into Ireland, puts many men into fears, that there may be some design rather to lose that kingdom, and to consume this in the losing of Ireland, than to preserve either the one or the other; for that it cannot be conceived, that the rebels, being grown so powerful, will be suppressed by volunteers. 7. The slow issuing of Commissions to those who, being in Ireland, or going thither, are willing to enter the field against the rebels, disables them from doing any effectual execution upon the enemy, unless in their own defence; and so all the monies that have been, or may be, sent thither, are exhausted to maintain our forces to do little or nothing worthy of them, rather than employed to chastise the rebels, and to reduce them to obedience; by means whereof the number and power of the rebels are greatly increased, divers castles and towns are by them taken, much Protestant blood is daily spilt, many thousand families destroyed, the malignant party of Papists and their adherents here are encouraged, and those rebels so much emboldened, that they boast they will extirpate the British nation there, and then make England the seat of war. 8. The not disarming of Papists here in England, after many discoveries of their treacheries and bloody designs upon the parliament and kingdom; the great decay of fortifications, block-houses, and other sea forts; the not managing of them nor furnishing them with ordnance and ammunition; the not placing all of them in such hands in whom the parliament may confide; and the not settling this kingdom in a posture of defence, in times of so many fears and jealousies of foreign invasions and intestine conspiracies; the not removing the present lieutenant of the Tower, and putting such a person into that place as may be well approved by the parliament; notwithstanding the earnest petitions exhibited to this hon. house for that purpose; which hath produced a forbearance to bring bullion into the Tower, in this time of scarcity of monies: all which cannot but overthrow trading more and more, and make monies yet more scarce, in the city and kingdom. 9. The King's Ships, which ought to be a wall of defence to this kingdom, and a convoy to the merchants, for which Tonnage and Poundage was granted, are not fitted and employed as the present condition of this kingdom and Ireland requires; but some of them for the conveying away of delinquents, who durst not abide the test of the parliament, to the great encouragement of the rest of the malignant party here; who, when their designs and themselves be detected, know how to escape the hand of justice, through the abuse of a royal conduct. 10. The not questioning those many thousands of unknown persons who are sheltered in Covent-Garden, and thereabouts, who do not employ themselves in any lawful calling; and, it is very probable, lie in readiness to adventure upon some desperate attempt, to the endangering of the welfare, peace, and safety of the king's majesty, the parliament, and city. 11. The misunderstanding between the king and the parliament; the not vindicating the privileges of parliament; the not suppressing of protections; the not punishing of delinquents, and the not executing of all Priests and Jesuits, legally condemned; while others, contrary to the Privilege of Parliament, have been illegally, as the petitioners conceive, charged with Treason to the deterring of worthy members from discharging their duties, and to the destroying of the very being of parliaments; do exceedingly fill the minds of men, well affected to the public, with many fears and discouragements throughout the kingdom, and so disable them from that chearful assistance which they would be glad to afford. 12. By means of the premises there is such decay of trading, and such scarcity of money, neither of which can be cured till the former evils be removed, as it is likely, in very short time, to cast innumerable

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multitudes of poor artificers into such a depth of poverty and extremity, as may enforce them upon some dangerous and desperate attempts, not fit to be expressed, much less to be justified; which they leave to the wisdom of this house speedily to consider and prevent.—These are the Evils under which the petitioners do exceedingly labour and languish, which they humbly conceive to have sprung from the employing of ill-affected persons in places of trust and honour in the state, and near to the sacred person of his majesty; and that these evils are still continued by means of the votes of Bishops and Popish lords in the house of peers.—And now that the petitioners have faithfully represented the true Reasons which do really enforce them to return this Answer, most of which have been formerly offered to this hon. house, in sundry Petitions; and that they have done all that in them lies, even beyond all precedent to serve the king, parliament, and kingdom: they humbly crave leave to protest, before God and the high court of parliament, that if any further miseries befall their dear brethren in Ireland, or if any mischief shall break in upon this kingdom, to the endangering or disturbing thereof, it ought not to be imputed to the petitioners, but only to such as shall endeavour to hinder the effectual and speedy cure of the evils before recited, that so much disable and discourage the petitioners from doing that which, by this honourable house is desired of them."

The HUMBLE PETITION of the Knights, Gentlemen, Ministers, and other Inhabitants, of the County of Essex, to the Honourable House of Commons,

"Sheweth, To this honourable house, that we are truly sensible of your great care and extraordinary endeavours to settle our religion and peace; and daily bless God Almighty, the king's majesty, the peers, and this hon. assembly for the same. And we do further, in all humility, represent to your honourable consideration, that notwithstanding your abundant care and industry, we do still apprehend a great stop of reformation in matters of religion; and ourselves together with you and the whole kingdom, to be in great danger from the Papists and other ill-affected persons, who are every where very insolent, and ready to act the parts of those savage blood suckers in Ireland, if they be not speedily prevented; by means whereof our Trading, especially of clothing and farming, grow a-pace to so great a damp, as many thousands are like to come to sudden want: nor can we expect any redress thereof, unless the Bishops and Popish Lords be removed out of the house of peers. Therefore we humbly pray, that you would earnestly mediate with his majesty and the house of peers, that our brethren in Ireland may be speedily relieved, the Papists throughout this kingdom may be disarmed; the kingdom be put into such warlike posture, for defence, as may be for its safety; and that the Bishops and Popish Lords, who, as we conceive, have hindered the success of your godly endeavours, may be excluded the house of peers; not doubting but that then our petitions, formerly presented to this house, will receive the more full and speedy Answer. And your petitioners resolving (in all just and honourable ways, according to our late Protestation) to assist you in your rights and privileges, with our estates and lives, against the enemies of God, the king and state, humble pray, &c."

The HUMBLE PETITION of the Knights, Gentlemen, Freeholders, and others, Inhabitants of the County of Hertford, to the Honourble the House of Commons,

"Sheweth; That this church and kingdom being, (by the prelates, the multitudes of corrupt and scandalous ministers their creatures, and the Popish party, concurring with them on the one hand; and by wicked counsellors, evil ministers of state, and great swarms of projectors, and others ill-affected to the peace of this realm, on the other hand) brought to a sad and almost desperate condition, and thereby the splendor of his majesty's crown and dignity dangerously weakened and eclipsed; it pleased his majesty, having respect to the Petitions of nobles and people in that behalf, to call this present parliament, the only able means, under God, to reform the many pressures and grievances of the church and kingdom, and to remove the causes thereof.—In which parliament, to the honour of his majesty, and comfort of his good subjects, exemplary Justice hath been executed, Arbitrary Courts, Ship Money, Monopolies, and other illegal impositions removed, the shedding of much blood prevented by the late Union between the two kingdoms of England and Scotland; and further hopes given us of perfecting what remains by the happy continuance and much-desired progress of this paliament.—And although that malignant party of Prelates and Papists, and their adherents (whose present standing, and the happy success of this parliament, as the petitioners humbly conceive, are consistent) have by their manifold wicked practices and designs, endeavoured to hinder all thorough reformation in church and common-wealth; to stifle, in the birth and progress, all those good bills and other preparations made by this hon. assembly for that purpose; and especially, for the relief of the kingdom of Ireland, (the ruin whereof will endanger this kingdom also) to stop the influence of his majesty's royal favour in giving life thereto; to divide between his majesty and this hon. assembly; and to render you not only contemptible, but also burthensome to the people; yet the petitioners, and, as they verily believe, all well-affected to his majesty and the peace and prosperity of this kingdom, have, and still shall continue an high and honourable esteem of this worthy assembly, and of your great and unwearied endeavours;

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and do with the utmost expressions of their thankfulness, acknowledge the same, and the progress and perfecting thereof, to be of great consequence and deep necessity to the peace and welfare of this church and kingdom; and such as without which not only a reflux of the former calamities, but even utter ruin and desolation, like that, being too long continued, in sad and much lamented Ireland, will apparently ensue.—From the sense whereof, and of the great and unheard-of Breaches lately made upon the Privileges of Parliament, even to the endangering of the being thereof, wherein your petitioners and their posterity are much concerned: The petitioners take upon them the humble boldness to declare their readiness and great engagements, according to their Protestation, to stand to, and defend, to the utmost peril of their lives and estates, the king's majesty and high court of parliament, with all the power and privileges of the same, and all your honourable proceedings for the common good, against all Popish and other malignant opposers who endeavour, either by evil counsel, secret plots, or open force, to hurt or prejudice the same, or to make divisions between his majesty and the parliament. And the said petitioners humbly pray, that the Papists may be fully disarmed; the laws against them executed; the kingdom, and especially this county, according to their late Petition in that behalf, put into a posture of war for their better defence; the forts and strength of this kingdom put into safe hands, which the parliament may confide and trust in; the Privileges of Parliament repaired and thoroughly vindicated; and that this hon. assembly (as hath been lately desired of you by the citizens of London) will be a means unto his majesty and the house of peers, that life may be speedily given to your good endeavours by their concurrence with you in taking away of the votes of Popish Lords and Bishops out of the house of Peers; the speedy and strong relief of Ireland; the further punishment of delinquents; the removal of the pressures and grievances in church and common wealth, and reforming of what is therein amiss. For all which your petitioners shall daily pray, &c."

These Petitions being read,

Mr. *Pym* reassumed his discourse. "My lords; in these 4 Petitions you may hear the voice, or rather the cry, of all England; and you cannot wonder if the urgency, the extremity of the condition wherein we are, do produce some earnestness and vehemency of expression more than ordinary; the agony, terror, and perplexity in which the kingdom labours, is universal, all parts are affected with it; and therefore in these you may observe the groans and miserable complaints of all.—Divers reasons may be given why those diseases which are epidemical are more dangerous than others: 1. The cause of such diseases is universal and supernal, not from an evil constitution, or evil diet, or any other accident; and such causes work with more vigour and efficacy than those which are particular and inferior. 2. In such diseases there is a communicative quality, whereby the malignity of them is multiplied and enforced. 3. They have a converting transforming power, that turns other diseases and evil affections of mens bodies into their own nature.—1. The common and epidemical disease, wherein this common-wealth lies now gasping, hath a superior and universal cause from the evil counsels and designs of those, who, under his majesty, bear the greatest sway in government. 2. It hath a contagious and infectious quality, whereby it is diffused and dispersed through all parts of the kingdom. 3. It is apt to take in the discontents, evil affections, and designs of particular persons, to encrease and fortify itself.—I shall take occasion, from several branches of those Petitions to observe, 1. The variety of dangers to which this kingdom is now subject. 2. The manifold distempers which are the cause of those dangers. 3. The multiplicity of those evil influences which are the causes of those distempers.—The first danger is from enemies abroad; this may seem a causeless and impertinent observation at this time, seeing we are in peace with all nations about us: But, my lords, you may be pleased to consider that the safety of the kingdom ought not to depend upon the will and disposition of our neighbours, but upon our own strength and provision; betwixt states there are often sudden changes, from peace to war, according to occasion and advantage. All the states of Christendom are now armed, and we have no reason to believe but that those of greatest power have an evil eye upon us, in respect of our religion: And if their private differences should be composed, how dangerously, how speedily, might those great armies, and other preparations now ready, be applied to some enterprise and attempt against us? And if there were no other cause, this were sufficient to make us stand upon our guard: But there are divers more especial symptoms of dangers of this kind. We may perceive, by several advertisements from abroad, that they did foresee our dangers many months before they broke out; they could foretell the time and manner of them, which is a clear evidence they held intelligence with those which were the contrivers and workers of the present troubles. We have many dangerous traitors and fugitives now in other parts, who can discover the weakness and distemper of the kingdom; who hold intelligence with the ill-affected party here, and by all cunning and subtle practices, endeavour to incite and provoke other princes against us. Some of the ministers of our neighbour princes may be justly suspected to have had a more immediate hand and operation in the insurrection and rebellion in Ireland; many of the commanders, and most of the soldiers, levied for the service of Spain, are now joined with the rebels there; and those Irish friars, which were employed by the Spanish ambassador for the making of those levies, are known to have been the chief

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incendiaries of this rebellion, and are still very active in the prosecution and encouragement of it.—The rebels have a ready and speedy supply from some of our neighbours. Two convoys of munition and arms we are certainly informed of, one from Dunkirk, the other from Nantes in Britany; and certainly those that are so forward to enable others to hurt us, will not forbear to hurt us themselves, as soon as they shall have means and opportunity to do it.—Another danger is from the Papists and ill-affected party at home. The Papists here are acted by the same principles with those in Ireland; many of the most active of them have lately been there, which argues an intercourse and communication of councils. They have still store of arms and munition at their disposing, notwithstanding all our endeavours to disarm them; they have a free resort to the city and to the court, they want no opportunities to consult together; they have the same or greater encouragements from above, and from about them, than ever, in respect of the example and success of the rebels in Ireland, and the great confusions and divisons which, by their cunning and subtle practices, are raised and fomented amongst ourselves at home.—A third Danger is of Tumults and Insurrections of the meaner sort of people, by reason of their ill vent of cloth and other manufactures, whereby great multitudes are set on work; who live for the most part on their daily gettings, and will, in a very short time, be brought to great extremity, if not employed: Nothing is more sharp and pressing than necessity and want; what they cannot buy they will take: and from them the like necessity will quickly be derived to the farmers and husbandmen; and so grow higher, and involve all in an equality of misery and distress, if it be not prevented. And, at this time, such tumults will be dangerous, because the kingdom is full of disbanded soldiers and officers, which will be ready to head and to animate the multitude to commit violence with more strength and advantage; and if they once grow into a body, it will be much more difficult to reduce them into order again because necessity and want, which are the causes of this disturbance, will still increase as the effects do increase.—A fourth Danger is from the Rebels in Ireland, not only in respect of that kingdom, but in respect of this: they have seized upon the body of that kingdom already; they abound in men of very able bodies; they increase in arms and munition; they have great hopes of supplies from abroad, of encouragement here, and are sure of good entertainment from the Popish party; so that they begin to speak already there of transporting themselves hither, and making this kingdom the seat of the war.—The Distemper which hath produced these Dangers is various and exceeding violent. Whensoever nature is hindered in her proper operations and faculties, distempers will necessarily follow. The obstructions which have brought us into this distemper, are very many, so that we cannot wonder at the strength and malignity of it. Some of the chiefest of these Obstructions I shall endeavour to remember. 1. The Obstruction of Reformation in matters of Religion: no grievances are sharper than those that press upon the tender consciences of men; and there was never church or state afflicted with more grievances of this kind, than we have been. And though they are, by the wisdom of this parliament, partly eased and diminished, yet many still remain; and as long as the Bishops, and the corrupt part of the clergy, continue in their power, there will be little hope of freedom, either from the sense of those which continue, or the fear of those which are removed. And of this obstruction, my lords, I must clear the commons; we are in no part guilty of it: some good bills have passed us, and others are in preparation, which might have been passed before this, if we had not found such ill success in the other. Whatsoever mischief this obstruction shall produce, we are free from it: we may have our part of the misery, we can have no part in the guilt or dishonour.—2. An Obstruction in trade: It is trade that brings food and nourishment to the kingdom. It is that which preserves and encreases the stock of the whole, and distributes a convenient portion of maintenance to every part of it; therefore such an obstruction as this must needs be dangerous, the freedom of trade being so necessary, the benefit so important, as that it gives life, strength, and beauty to the whole body of the commonwealth. But I must protest the house of commons hath given no cause to this obstruction: we have eased trade of many burthens and heavy taxes, which are taken off; we have freed it from many hard restraints, by patents and monopolies; we have been willing to part with our own privileges, to give it encouragement; we have sought to put the merchants into security and confidence in respect of the Tower of London, that so they might be invited to bring in their bullion to the Mint, as heretofore they have done; and we are no way guilty of the troubles, the fears, and public dangers which make men withdraw their stocks, and to keep their money by them, to be ready for such sudden exigences, as in these great distractions we have too much cause to expect. —3. The Obstruction in the Relief of Ireland. It must needs be accounted a great shame and dishonour to this kingdom, that our neighbours have shewed themselves more forward to supply the rebels, than we have been to relieve our distressed brethren and fellow-subjects. But I must declare we are altogether innocent of any neglect herein. As soon as the first news of the Rebellion came over, we undertook the war, not by way of supply and aid, as in former rebellions the subjects have used to do: but we undertook the whole charge of it, and we suffered not 24 hours to pass before we agreed to a great levy of money and men, to be employed against the rebels, even in a larger proportion than the lord justices and

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council there did desire; and, from time to time, we have done all for the furtherance thereof, though in the midst of many distractions and diversions; but the want of commissions for levying of men, for issuing arms, and divers other impediments, have been the causes of that obstruction; and I wish we had not only found impediments to ourselves, but also encouragements to them. Many of the chief commanders, now at the head of the rebels, after we had, with your lordships concurrence, stopped the ports against all Irish Papists, have been suffered to pass by his majesty's immediate warrant, much to the discouragement of the lord justices and the council there; and, this procured, as we believe, by some evil instruments too near his royal person, without his majesty's knowledge and intention.—4. The Obstruction in prosecution of delinquents. Many we have already brought up to your lordships; divers others we have been discouraged to transmit; such difficult proceedings have we met withall; such terrors and discountenance have been cast upon ourselves and our witnesses; and those who have shewed themselves their friends and patrons, have found it the most ready way to preferment; yea, his majesty's own hand hath been obtained, and his majesty's ships employed, for the transporting divers of those who have fled from the justice of parliament.—5. A general Obstruction and Interruption of the Proceedings of Parliament, by those manifold designs of violence which, through God's mercy, we have escaped; by the great and frequent breaches of privilege; by the subtle endeavours to raise parties in our house, and jealousies betwixt the two houses.—6. The Obstruction in providing for the Defence of the Kingdom, that we might be enabled to resist a foreign enemy, to suppress all civil insurrections: and what a pressing necessity there is of this, the exceeding great decays in the navy, in the forts, in the power of ordering the militia of the kingdom, and means of furnishing them with munition, are sufficient evidences, known to none better than your lordships, and what endeavours we have used to remove them; but, hitherto, without that success and concurrence which we expected: and where the stop hath been, and upon what good grounds we may claim our own innocency and faithfulness in this, we desire no other witnesses but yourselves.—Lastly, I come to the evil Influences which have caused this Distemper; and I shall content myself with mentioning those which are most important. 1. I shall remember the evil counsels about the king, whereof we have often complained. Diseases of the brain are most dangerous, because from thence sense and motion are derived to the whole body. The malignity of evil counsels will quickly be infused into all parts of the state. None can doubt but we have exceedingly laboured under most dangerous and mischievous counsels. This evil influence hath been the cause of the preparation of war with Scotland; of the procuring a Rebellion in Ireland; of corrupting religion; suppressing the liberty of this kingdom; and of many fearful and horrid attempts to the subverting the very being of parliaments, which was the only hopeful means of opposing and preventing all the rest; and this doth appear to be a most predominant evil of the time, whereat we need not wonder, when we consider how counsellors have been preferred and prepared. And I appeal to your lordships own consciences, whether the giving and countenancing of evil counsel hath not been, almost, the only way to favour and advancement. 2. The Discouragement of good Counsel. Divers honest and approved counsellors have been put from their places; others so discountenanced, as that the way of favour hath been shut against them, and that of danger and destruction only open to them. 3. The great Power that an interested and factious Party hath in the Parliament, by the continuance of the votes of the Bishops and Popish lords in your lordships house; and the taking in of others both out of the house of commons, and otherwise, to encrease their strength. 4. The fomenting and cherishing of a malignant Party throughout the whole kingdom. 5. The manifold Jealousies betwixt the King, his Parliament, and good Subjects; whereby his protection and favour hath, in a great measure, been with-held from them; their inclination and resolution to serve and assist him, hath been very much hindered and interrupted; we have often suffered under the mis-interpretation of good actions, and false imputation of evil which we never intended: so that we may justly purge ourselves from all guilt of being authors of this jealousy and misunderstanding. We have been and are still ready to serve his majesty with our lives and fortunes, with as much chearfulness and earnestness of affection as ever any subjects were; and we doubt not but our proceedings will so manifest this, that we shall be as clear in the apprehension of the world, as we are in the testimony of our own consciences.—I am now come to a conclusion; and I have nothing to propound to your lordships by way of request or desire from the house of commons. I doubt not but your judgments will tell you what is to be done: your consciences, your honours, your interests, will call upon you for the doing of it. The commons will be glad to have your concurrence and help in saving of the kingdom; but if they fail of it, it should not discourage them in doing their duty. And whether the kingdom be lost or saved, (but I hope through God's blessing, it will be saved) they shall be sorry that the story of this present parliament should tell posterity, That in so great a danger and extremity, the house of commons should be enforced to save the kingdom alone, and that the house of peers should have no part in the honour of the preservation of it; you having so great an interest in the good success of those endeavours, in respect of your great estates and high degrees of nobility."

The foregoing speech was so agreeable to

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the commons, that the same day they ordered, "That Mr. Speaker, in the name of the house, shall give thanks unto Mr. Pym for his so well performing the service he was employed in by the commands of this house at this conference. And it was farther ordered, That Mr. Pym be desired to put the Speech he made at this conference into writing, and to deliver it into the house, to the end that it may be printed." This was done accordingly; and from the edition so published by order of the house, the above is taken.

Exceptions to Words spoken by the Duke of Richmond.] Jan. 26. The lord keeper having reported the foregoing conference, a motion was made for joining with the commons in petitioning his majesty about putting the Forts and Militia of the Kingdom into safer hands, &c. upon the new Reasons offered at the said conference. This occasioned a long debate, the house being in a committee; when, being resumed, some lords desired the house might be adjourned, to which the duke of Richmond answered, "Let us put the question, Whether we shall adjourn for six months?" which words the house taking exception to, the duke explained himself, "That he did not speak these words positively, but meant that the house might be adjourned as well for six months, as to a time not limited."* But this not satisfying, the duke withdrew; when, after some more debate, the question was put, Whether it shall be sufficient satisfaction to this house, That the lord duke of Richmond shall come to his place, and make an humble submission, as an acknowledgment that he hath offended the house in speaking these words inconsiderately and unadvisedly; and that he had no intention to have the house adjourned for six months, and that he craves their lordships pardon for it?" It was resolved in the affirmative.

Protest thereupon.] Against which the following Protest was entered: "That, in respect the Words spoken by the duke of Richmond tended much to the prejudice of the king and kingdom, we do protest against this vote, as not sufficient punishment for Words of that dangerous consequence: Northumberland, lord Admiral; Bedford, Essex, Pembroke, Suffolk, Lincoln, Leicester, Warwick, Holland, Bolingbroke, Stamford, Conway, Wharton, Paget, Hunsden, Chandois, St. John, Spencer, Kymbolton, Brooke, Grey de Werk, Roberts, Howard de Escrick, Willoughby de Parham."

The Queen's Answer concerning a Report that the Commons intended to accuse her of High Treason.] Jan. 27. The earl of Newport reported to the lords the Queen's Answer to the Message sent to her, concerning a report of a design to accuse her of High Treason, to this effect: "That there was a general report of an accusation intended against her, but she never saw any Articles in writing; and having no certain author either for the one or the other, she gave little credit thereto: and much less now, being assured from the house of commons, that never any such thing came into their thoughts; nor will she believe they would lay an aspersion upon her, who hath ever been unapt to misconstrue the actions of any one person, and much more the privileges of parliament; and shall, at all times, wish a happy understanding between the king and his people." Ordered to be communicated to the commons; but in their Journals is this Addition to the former Message; "Upon better recollection of myself, I do confess and acknowledge to have been mistaken in reporting what was delivered me, on discourse with some member of the house of commons; and am most heartily sorry for it; beseeching, with all humility, the pardon of the honourable house of commons, for that my great mistake."

The Commons charge the Duke of Richmond with being a Malignant, and an evil Counsellor to the King.] Jan. 29. A message came up, also, from the commons, brought by sir Peter Wentworth, desiring a conference, touching the duke of Richmond.* The lords fixed upon a present meeting; when, being returned from it, the lord keeper reported the substance of it to this effect;

"That Mr. *Glynn* said, He was commanded by the house of commons, to acquaint their lordships with what information had been given to them about the said duke. 4. That he did write unto the town of Hithe, to chuse one captain Wimberley to serve for one of the barons there in this parliament, but he was not chosen. A letter was produced, wrote by one of the duke's officers, said to be by his grace's direction, to prove this: as also, another to capt. Collins, deputy lieutenant, directed to the mayor and jurats of Hithe, for the return of the said election. 2. Mr. Perd, a member of the house of commons, informed that house, That whilst the affair of Mr. Percy and Mr. Jermyn were before the house, and before their offences were declared high treason, one Mr. Scroop, the duke's steward, came to him, and, in his master's name, desired Mr. Perd to forbear to press the matter concerning those gentlemen; affirming, that it would be an acceptable service, and would do him good. Which last words Mr. Perd construed to mean, that the king and queen would take notice of it as an acceptable service. This he would not say positively, but he believed it, &c. 3. That, by a copy of a record then in their house, it did appear, that the duke of Richmond did, on the 26th of Jan. instant, desire that the question might be put for the adjournment of the house of lords for six months. Upon the whole, the house of commons passed

* Lord Clarendon says, "The motion for the adjournment was made by some of the Protesting Lords, who were not willing the matter of the Militia should then come into debate."

* James Stuart, duke of Lenox in Scotland, a near relation to the king.

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this vote, That they had sufficient cause to accuse the duke of Richmond as one of the Malignant Party, and an evil Counsellor to the King, for these reasons; 1. That he endeavoured to have such members chosen as he should name; and his way of menacing afterwards shews an intention to overthrow the freedom of election, and making a party in parliament. 2. That he endeavoured to corrupt the members of the house of commons after they were elected, even in matters of the highest nature; for support of the delinquents that were in question for endeavouring to bring the army upon the parliament. 3. The motion made in the house, if effected, would certainly be the loss of Ireland, and hazard the ruin of this kingdom; there being distractions at home, and imminent danger in Ireland, and no way to help both but by parliament; which, if it had been adjourned, in consequence that necessary and good act, for the continuance of this parliament, would have been ineffectual. Upon all which the house of commons desire their lordships forthwith to join with them to petition his majesty, That the duke may not have any access to the persons or courts of the king or queen; and that he may be removed from all offices and places of public trust. And that this may be done with all speed, in regard of the great places of trust and confidence he now holds."—Mr. Glynn concluded with telling their lordships, "That it was the care of the house of commons to prevent the evils that hang over our heads; and they can do no less, in regard to the duty they owe to the king, who has called them as his council; to their country that hath intrusted them; and, lastly, they do it to satisfy their own consciences. They say they saw the stone that hit them, but could not discover the arm that threw it. They say they wash their hands of the ill consequences of these things, and lay it at their lordships door."

This report being ended, the duke of Richmond stood up, and made his humble desire, "That he might have a copy of the heads of this Information against him; and that he be allowed some short time to give in his Answer." The lords agreed this, and ordered the 31st instant, for that purpose.

The Duke's Speech in his own Defence.] Jan. 31. The duke of Richmond brought in his Answer to the Charge against him from the commons, which his grace, standing in his place, read in these words:

"My Lords, I take it this vote of the house of commons, which to me must prove very heavy, if it light upon me, is grounded on these three Reasons."—Then his grace repeated the substance of the three Articles brought by the commons against him; and proceeded thus:—"Upon these three Reasons the house of commons have desired your lordships to join with them in petitioning his majesty, That I might not have any access to the persons or court of the king and queen, &c. This is the Charge. Though these requests, if put in execution, would much afflict me; yet the sense of the house of commons, and their ill opinion of me, (which I judge by their vote) is a greater cross than any that hath yet befallen me: but I have this comfort, that as the house of commons have passed this vote, and made these requests upon me without hearing my defence; so that, when your lordships shall hear my clear and ingenuous Answer, you, I hope, will be so far from joining with them in any such request to his majesty, that I shall presume to be an humble suitor to your lordships to clear my innocence to the house of commons; and to set me right in their good opinion; which I much desire; who, I doubt not, are so just as to acquit or condemn, according as the cause shall appear unto them.—And to your lordships I affirm, by all that may procure belief, that I did never malign the prosperity and happiness of the king, kingdom, or parliament; my interest in all may be some persuasion to justify what I say; or did give the king, my master, any council whatever, but what, in my own heart, I conceived to tend to the advancement of his honour, and maintenance of the public good of the kingdom; the union of the king and his people each to the other, and a right understanding and correspondence between him and his parliament; and, from my heart, I cannot but declare against any, if there be any, of a contrary opinion.—So far am I from a thought of prejudice to the kingdom of Ireland, that I would rejoice as much to see the Protestants there settled in peace and their possessions, the Protestant religion there established, the rebels there suppressed, and that kingdom reduced to obedience, as any of his majesty's subjects, and be as ready to join in giving assistance to effect it; for I crave leave to let your lordships know, that I have, some months since, sent into Ireland, of my own, 39 barrels of powder, 120 muskets and pikes, 60 corslets and head-pieces, besides match and bullets, both for great ordnance and muskets, to Colmore castle, for the defence of that, Londonderry, and the country about it; and I left 200*l.* sterling in my agent's hands, for defraying the charge of transporting those things.—But to apply myself to the particular reasons of the Charge against me; it rests upon the truth of the fact, and your lordships judgment of it, either to acquit or condemn me, which I shall wholly submit to. I must crave your lordships pardon for giving any Answer at all to the third Reason, touching what passed from me in this house; as well in respect of the privilege of this house, where things of that nature, as I conceive, are to be questioned; as for that your lordships have already taken the same into your consideration, and I have undergone and performed your lordships censure thereon before this accusation. I know it will not seem just to your lordships, that I should be in a worse case than any other subject, to receive a double punishment for one and the same offence; and I know your lordships cannot but conceive it to be of more than ordinary consequence in the precedent.—For the other,

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I shall give your lordships a distinct Answer. I must beg your leave to deny some things which have been charged upon me; but shall ingenuously confess whatsoever I know to be a truth, touching these things, how prejudicial soever it may prove to me; and rely more upon my own innocence, than to defend myself by denying a truth, or defending what is not so. 'Magna est veritas et prevalebit.' I wish it may do so in what concerns me. 'Regnet Justitia et ruat Cœlum.'—I conceive the Proof for the first Reason, inducing the house of commons to believe an intention in me to overthrow the freedom of election, and make a party in parliament, is upon the information of sir Henry Hayman, That I did write to the town of Hithe to chuse one captain Wimberly, to serve for one of the barons there, in this present parliament, but he was not elected. The gentleman that gave the information I do not know; but it is true in this; and if it be an offence, I shall be so far my own accuser, that I have here brought a true copy of that letter which I sent to that port, with a witness, who is without, to attest it. Other recommendation, than by that letter only, I never made to that town; but I was so far, before this accusation, from thinking it an offence, that I confess to your lordships I wrote the like letter to other places, within the jurisdiction of the ports; and I was informed, That the warden of the Cinque Ports had, in all times, done the like. But this being no more than a bare recommendation, their choice was left free, and in some of those places my request prevented, in some not: But I had never so much as a thought of ill against any who gave his vote against the party recommended; and will hazard my honour and fortune, that no man can affirm that I ever gave them the least check upon this occasion.—For the Copy of the Letter written by captain Collins, suggested to be one of my officers, and signified to be by my directions; I confess that captain was deputy of the lieutenancy of Dover castle, which is under my command; but whether the captain wrote such a letter to the port of Hithe, I know not; but this I know for certain, that my directions imported not so much; and I hope your lordships will not think it just to charge me with a high crime, drawing on so heavy a punishment, for what an under-officer shall do without my knowledge. Yet, in this, I will not conceal one tittle of truth; for it is true I did write to captain Collins, and shall shew your lordships the very letter itself, which I have sent for since your last sitting; and when I have told your lordships the occasion, which I shall make good by proof, I am confident you will find it far from a crime. It was this: I being warden of the Cinque ports, and the writ of summons of parliament directed to me, I make warrant to the several ports, for election of their barons; which, when done, they return them to me, and I return them with the writ of summons. Now, I having made warrants, accordingly, to the ports, and received and returned their barons elected, I was informed from the port of Sandwich, that some had given voices in their election who received alms from the town, with some other questions about elections in other places, particularly Rye, for which I was informed there was a petition in parliament; and because I might be able to give an account touching all these elections, if occasion were, I wrote to all the ports in general, to be certified how the elections went by the poll; that is, to know how many voices went for the one, and how many for another; but for their names, I wrote not, though I had ground enough given me by the complaint of Sandwich; and, if captain Collins, upon this letter of mine, have been too exact, I hope that shall not turn to my prejudice or his, since there was no ill intent, nor hath been any ill consequence from it: for this I affirm, confidently, to your lordships, That not one elector, in any of the ports, was ever menaced or ill used by me, or my direction. I cannot be disproved in this, and your lordships will hardly believe I wrote to captain Collins out of any intention of revenge; when, by the same letter, I desired to be certified of the poll in all the ports, as well where the party recommended by me was elected, as where he was not.—This is the whole truth, and my Answer touching that business; and if it be an offence to write a letter to recommend a gentleman for an election, yet, I hope, it will not deserve so severe a punishment. Sure I am I never understood it an offence; for, if I had, I should not have done it myself, or believe it to be generally done by others, who, I hope, will never come in danger of punishment for it. And now, before I go to the second Head, I desire your lordships to hear the letters, and the witness upon the occasion of them."—Then the Letter to the Mayor and Jurats of Hithe was read, with their Answer to his grace, which contained much the same as is expressed in his Defence; as did, also, the Letter to captain Collins, in relation to the sending up the Polls of all the ports. Then the duke proceeded:—"The second and only thing to be now answered, is, The endeavouring to corrupt the members of the house of commons, after they were elected, for support of delinquents. The offence which is charged, I am confident your lordships will not find me guilty of; all the instance of proof is only upon a message pretended to be delivered to one Mr. Perd, a member of the house of commons, by my steward, who is my cousin, Adrian Scroop; and some speeches and gestures of mine to Mr. Perd, some time after that message. I know your lordships will not take this upon an implicit faith, that it is true, because it is charged against me. But I must crave your noble justice, as a free subject as well as a peer, to be judged secundum probata as well as allegata; and, notwithstanding this misfortune which is fallen upon me, I hope you believe I will not tell you an untruth. I confess I sent my steward to Mr. Perd; and he being one who has long been with me, and ever car-

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ried himself honestly and like a gentleman, gives me confidence that he delivered no such message to Mr. Perd from me, as is charged. I protest to your lordships, upon my honour, that the message I sent was no more than to this effect, "That if, in the business of Mr. Percy it fell in his way to do him any just favour, that I should take it as a courtesy, and express it to him upon any fair occasion." This was without any other intimation or particular request whatsoever, and I am confident my servant delivered it to him no otherways; for he brought me a civil answer of his readiness to do any thing he might, with a good conscience, which was as much as I desired. And I was so far from taking offence, that, when I spoke to Mr. Perd, it was only to avow my servant, and to give him thanks; and no such thing happened as has been informed by him.—Now, my lords, Mr. Percy being my old acquaintance at school; in our travels, and here at home, having lived friends together; I thought I could do no less than to ask just favours for him in his distress. There was no unlawful thing desired; no bribes offered; if this be an offence, as I hope it is not, I am confident it will not be so heinous as to draw so heavy a censure upon me.—And because, my lords, I would be quit of this great burthen, I have caused Scroop to attend without; and desire your lordships to examine him, upon his oath, touching the truth of the message, and what passed between Mr. Perd and him; for I am guilty of no tittle more than what I have confessed to you. I know not what passed in the house of commons, or that Mr. Perd had ever spoken in that business; or if Scroop had desired him not to press that business, or persuaded him not to call upon it, or intimated any thing of the king or the queen, which I believe he did not, it was without any direction from me, and let him answer for it. But I rather believe there was no ill in the message, because Mr. Perd did not then, nor at any time since, till this question in the house of commons, call upon him or me concerning it. My lords, I am no lawyer or orator, but I am a gentleman; and, in that consideration, so much concerned in what is moved against me, as though life or a total confiscation may not be desired, yet, upon the consequence of it, so much of honour and reputation depends, that I esteem it equal to any of those censures. But I have so much innocence in me, as makes me confident that I cannot miscarry by your lordships judgment; and therefore have adventured to make my own defence, who best know the truth of my own heart; and so I submit myself and cause, which concerns you all, to your lordships judgment. RICHMOND."

The duke having ended, he desired that Thomas Webb, his secretary, might, upon oath, relate the occasion of writing the Letters to the Port Towns; which was one complaint against his grace. Then the lords sent a message to the commons, "That, in regard of their offer made at the last conference, they desire that sir Henry Hayman and Mr. Perd may come to this house, and, upon oath, testify what they know in the business concerning the duke of Richmond."

The King's Message relative to the Bill for Tonnage, &c.] The same day the new grant of a Subsidy on Tonnage and Poundage, &c. was read a second and third time in the house of lords, and passed into a law. After this the lord keeper informed the house, That he had received a Letter from the King, with a Message inclosed to both houses, which were read in hæc verba:

"Charles R. Right trusty and well-beloved, we greet you well; Our will and pleasure is, that you deliver the Message enclosed, to be read in our house of peers before the passing the bill for Tonnage and Poundage, for which this shall be your warrant.—Given at our Court at Windsor the last day of January, 1641."

"Though his majesty, having passed more acts of justice and grace in this parliament than has ever been passed by any of his royal ancestors, might well expect, from the affection and gratitude of his parliament, to have received the Subsidy of Tonnage and Poundage for no less a time than it hath been granted to any of his predecessors; yet, in regard that, by a clause in this bill, he finds that his parliament intends not to continue the old Book of Rates, and that the settling a new one must require some time; and in respect that otherwise it might beget an interruption of trade, give an advantage to foreign states, and leave the seas unguarded, to the danger of this kingdom and Ireland; he hath, at this time, given a commission for the passing of this present bill, the 25th of March: not doubting but, as soon as their extraordinary affairs will permit, that they will settle a new Book of Rates; and, by granting this Subsidy in the usual manner, will give a proof of their good intentions, as they have often expressed, and of which he is fully satisfied, to consider no less both his subsistance and splendor, than their own liberties and interests."

Farther Proceedings against the D. of Richmond.] Feb. 1. The house of lords proceeded in the business of the duke of Richmond; when Mr. Perd gave his evidence, upon oath, nearly in the same manner as is before related. The duke, having heard this evidence, denied that he gave his steward, Mr. Scroop, any such directions as Mr. Perd alledged, and then withdrew. The house went into a debate, Whether Mr. Scroop ought to be examined, upon oath, to know what directions the duke gave him; because, thereby, he might accuse himself. The Judges Opinions being asked on this question, they were all in a mind, That, in their ordinary courts of justice, Mr. Scroop might, by law, be examined on oath.—Hereupon Mr. Scroop was sworn and examined, who said, "That the duke directed him to go to Mr. Perd, and to desire him, that, in the business of Mr. Percy, he would, if it fell fairly in his way,

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rather incline to do good offices, than press in rigour; and that thereby he might engage my lord duke to render him thanks, and return him such favours as fell in his way; and that he had no directions to speak of any favours intended from the king or queen."

This being done, the lords considering of the evidence on both sides, the affair of the Cinque Ports being dropped, the question was put, Whether that house should join with the commons in the Petition against the duke? It passed in the negative.

This day the house of commons sent up a draught of a Petition to the King, concerning the lord Kymbolton and the 5 Members, in which was recited all that was passed in that business; and that they once again besought his majesty to give directions that they might be informed, in two days time, what proofs there were against them, that they might be brought to a legal trial, it being the undoubted right and privilege of parliament, that no member can be proceeded against without their consent. To which Petition they desired their lordships concurrence; which was granted.

The King's Answer to the Commons Petition concerning the Tower, &c.] This day, also, the commons sent up a Message, to desire the lords to join with them in another Petition to the King, That the Forts and Militia of the Kingdom might be put in such hands as were approved of by both houses of parliament; to desire that house to lay this thing to heart; and to tell them, that if they will not join with the commons, now that things are brought to the last gasp, then to desire those lords that are of opinion with this house, to declare themselves, that they may be known from the rest; to protest themselves innocent of whatever mischief may fall out; and to tell them plainly, that they must not expect the commons to come to them again on this business. Lastly, to communicate to their lordships an Answer which they had received from the King, on a Petition of their own, presented to him, concerning that affair; which was read in these words:

"His majesty having seriously considered of the Petition presented to him from the house of commons, on Wednesday the 26th of this month, returns this Answer; That he was in good hope his gracious Message of the 20th of this month, to both houses, would have produced some such overture, which, by offering what is fit on their parts to do, and asking what is proper for his majesty to grant, might beget a mutual confidence in each other. Concerning the Tower of London, his majesty did not expect that (having preferred a person of a known fortune and unquestionable reputation to that trust) he should be pressed to remove him, without any particular charge objected against him, and therefore returns this Answer; That if, upon due examination, any particular shall be presented to his maj. whereby it may appear that his majesty was mistaken in his opinion of this gentleman, and that he is unfit for the trust committed to him, his maj. will make no scruple of discharging him; but, otherwise, his majesty is obliged, in justice to himself, to preserve his own work, lest his favour and good opinion may prove a disadvantage and misfortune to his servants, without any other accusation; of which his maj. doubts not his house of commons will be so tender, as of a business wherein his majesty's honour is so much concerned, that, if they find no material exception against this person, they will rather endeavour to satisfy and reform the fears of other men, than, by complying with them, press his maj. to any resolution which may seem so much to reflect upon his honour and justice. For the Forts and Castles of the kingdom; his maj. is resolved that they shall always be in such hands (and only such) as the parliament may safely confide in; but the nomination of any persons to those places (being so principal and inseparable a flower of his crown, vested in him, and derived unto him from his ancestors, by the fundamental laws of the kingdom) he will reserve to himself; in bestowing whereof, as his majesty will take care that no corrupt or sinister courses shall prevail with him, so he is willing to declare, That he shall not be induced to express that favour so soon to any persons as to those whose good demeanor shall be eminent in or to his parliament; and if he now hath, or shall at any time, by misinformation, confer such a trust upon an undeserving person, he is, and always will be, ready to leave him to the wisdom and justice of his parliament.—For the Militia of the Kingdom (which, by the law, is subject to no command but of his majesty, and of authority lawfully derived from him); when any particular course, for the ordering the same (which his majesty holds very necessary for the peace and security of his kingdom) shall be considered and digested by his parliament, and proposed to his maj. his maj. will return such an Answer as shall be agreeable to his honour, and the safety of his people; his maj. being resolved only to deny those things, the granting whereof would alter the fundamental laws, endanger the very foundation upon which the public happiness and welfare of his people is founded and constituted, and nourish a greater and more destructive jealousy between the crown and the subject, than any of those which would seem to be taken away by such a satisfaction. And his maj. doth not doubt, that his having granted more than ever king hath granted, will ever persuade his house of commons to ask more than ever subjects have asked; and if they shall acquaint his maj. with the particular grounds of their doubts and fears, he will very willingly apply remedies proportionable to those fears; for his maj. calls God to witness, that the preservation of the public peace, the law, and the liberty of the subject is, and shall always be, as much his majesty's care and industry, as of his own life, or the lives of his dearest children: and therefore his maj. doth conjure his house of commons, by all the

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acts of justice and favour they have received from him this parliament, by their hopes of future happiness in his majesty, and in one another, by their love of religion and the peace of this kingdom, in which that of Ireland cannot be forgotten, that they will not be transported, by jealousies and apprehensions of possible dangers, to put themselves or his maj. into real and present inconveniences; but that they will speedily pursue the way proposed by his majesty's former Message, which, in human reason, is the only way to compose the distractions of the kingdom, and, with God's blessing, will restore a great measure of felicity to king and people."

Both Houses declare the Advisers of the said Answer to be Enemies to the Kingdom, and petition the King again.] This Answer being read, the lords took it into consideration, and then resolved, first to join with the commons in voting, That whosoever advised the king to give this Answer, is of the malignant party, and an enemy to the public peace and safety of the kingdom. Likewise to join with them in the Petition, as desired; and these votes being communicated to the other house, they returned for Answer, That they received them with a great deal of joy, and that they hope it would be for the good of the king and of the whole kingdom.

Feb. 2. A draught of the above-mentioned Petition was read in the house of lords, agreed to, and presented to the king this day by 2 lords and 4 commoners, and was in hæc verba:

"To the King's Most Excellent Majesty. The Humble PETITION of the Lords and Commons assembled in Parliament.

"Most Gracious Sovereign, The present evils and calamities wherewith your kingdoms are most miserably intangled, the imminent dangers which threaten your royal person and all your people, have caused us your most faithful and obedient subjects, the lords and commons in this present parliament, with thankfulness to entertain, and with all earnestness of affection and endeavour to pursue, the gracious proposition and direction which, not long since, we have received from your majesty: and we have thereupon taken into our most serious consideration the ways and means of securing the safety of your royal person; preserving the honour and authority of your crown; removing all jealousies betwixt your majesty and your people; suppressing the rebellion in Ireland; preventing the fears and dangers in this kingdom; and the mischievous designs of those who are enemies to the peace of it. And that we may, with more comfort and security, accomplish our duties herein, we most humbly beseech your majesty, That you will be pleased forthwith to put the Tower of London, and all other Forts, and the whole Militia of the kingdom, into the hands of such persons as shall be recommended unto your majesty by both houses of parliament; which, they assure themselves, will be a hopeful entrance into those courses, which, through God's blessing, shall be effectual for the removing all diffidence and misapprehension betwixt your majesty and your people, and for establishing and enlarging the honour, greatness, and power of your majesty and royal posterity, and for the restoring and confirming the peace and happiness of your loyal subjects in all your dominions. And to this our most necessary Petition, we, in all humility, expect your majesty's speedy and gracious Answer, the great distractions and distempers of the kingdom not admitting any delay."

Sir E. Dering expelled, &c. for printing his Speeches.] This day the house of commons fell into a debate and consideration of a Book composed and printed by sir Edward Dering; and observed unto him divers passages out of it, which were laid to his charge: and after he made his several and respective Answers unto these Charges, he was commanded to withdraw: then it was resolved, 1. "That a book of Sir Edward Dering's, intituled, 'A Collection of Speeches made by sir Edward Dering, knight and baronet, in Matter of Religion,' is against the honour and privilege of this house, and scandalous to this house; and shall be burned, by the hands of the common hangman, in Westminster, Cheapside, and Smithfield. 2. That the said sir E. Dering shall be disabled to sit as a member of this house, during this parliament; and that a new writ shall issue for electing a knight to serve for the county of Kent, in the room and place of sir E. Dering, thus disabled; and that he be sent to the Tower, there to remain during the pleasure of the house *."—Sir Edward being called in, and kneeling at the bar, Mr. Speaker pronounced this sentence, against his book and him, accordingly.

The Trial of the 12 Bishops was, once more, put off to the 8th instant; after which both houses adjourned to the 4th, and ordered, in the mean time, that committees should sit on Irish Affairs at Merchant Taylors Hall.

Petition to the Commons from the Tradesmen's Wives, &c. for Redress of Grievances.] February 4. A very singular Petition was this day presented to the commons from several gentlewomen, and tradesmen's wives, in the city. On the last day of sitting these female zealots had been observed to crowd much about the door of the commons,† and serjeant-major Skippon, the commander of the guard, had applied to the house, to know what to do with them; they telling him, 'That where there was one now there would be 500 the

* Upon this last question the house divided. Yeas 85, Noes 61. But he was discharged a few days after.—Commons Journals.

† Butler alludes, most probably, to this circumstance, in the following couplet:

'The Oyster-women lock'd their fish up,
'And trudg'd away to cry 'No Bishop.'

Hudibras, Part I. Canto 2.

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next day; and that it was as good for them to die here, as at home.' The house advised him to speech them fair, and send them home again: but this day they were as good their words: they came down in great numbers and presented a Petition to the commons, which was received and read. This Petition is mentioned in their Journals; and as it is preserved in our Collections, we think it proper to give it here, with the Answer to it, as it was printed in these times: *

"To the Honourable Knights, Citizens, and Burgesses of the House of Commons assembled in Parliament: The Humble PETITION of the GENTLEWOMEN, TRADESMENS' WIVES, and many others of the FEMALE SEX, all Inhabitants of the City of London, and the Suburbs thereof, With the lowest submission shewing;

"That we, with all thankful humility, acknowledging the unwearied pains, care, and great charge, besides hazard of health and life, which you the noble worthies of this honourable and renowned assembly, have undergone, for the safety both of church and common-wealth, for a long time already past; for which not only we, your humble petitioners, and all well-affected in this kingdom, but also all other good Christians are bound now, and at all times, to acknowledge; yet notwithstanding that many worthy deeds have been done by you, great danger and fear do still attend us, and will, as long as Popish Lords, and superstitious Bishops are suffered to have their voice in the house of peers; that accursed and abominable Idol of the mass suffered in the kingdom; and that arch-enemy of our prosperity and reformation, (abp. Laud) lieth in the Tower, yet not receiving his deserved punishment. All these, under correction, gives us great cause to suspect that God is angry with us, and to be the chief causes why your pious endeavours for a further reformation proceedeth not with that success as you desire, and is most earnestly prayed for, of all that wish well to true religion, and the flourishing estate both of king and kingdom: The insolencies of the Papists and their abettors raiseth a just fear and suspicion of sowing sedition, and breaking out into bloody persecution in this kingdom, as they have done in Ireland; the thoughts of which sad and barbarous events maketh our tender hearts to melt within us, forcing us humbly to petition this hon. assembly, to make safe provision for yourselves, and us, before it be too late.—And whereas we, whose hearts have joined chearfully with all those Petitions which have been exhibited unto you, in the behalf of the purity of religion, and the liberty of our husbands persons and estates; recounting ourselves to have an interest in the common privileges with them, do, with the same confidence, assure ourselves to find the same gracious acceptance with you, for easing of those Grievances, which, in regard of our frail condition, do more nearly concern us, and do deeply terrify our souls; our domestic dangers, with which this kingdom is so much distracted, especially growing on us from those treacherous and wicked attempts which, already, are such as we find ourselves to have as deep a share in as any others.—We cannot but tremble at the very thoughts of the horrid and hideous facts, which modesty forbids us now to name, occasioned by the bloody wars in Germany and by his majesty's late Northern army. How often did it affright our hearts, whilst their violence began to break out so furiously upon the persons of those whose husbands or parents were not able to rescue them: We wish we had no cause to speak of those insolencies, savage usage and unheard-of rapes, exercised upon our sex in Ireland: And have we not just cause to fear they will prove the fore-runners of our ruin, except Almighty God, by the wisdom and care of this parliament, be pleased to succour us, our husbands and children, which are as dear and tender to us as the lives and blood of our hearts; to see them murdered and mangled and cut in pieces before our eyes; to see our children dashed against the stones, and the mother's milk, mingled with the infant's blood, running down the streets; to see our houses on flaming fire over our heads: Oh, how dreadful would this be!—We thought it misery enough, though nothing to that we have just cause to fear, but few years since, for some of our sex, by unjust divisions from their bosom comforts, to be rendered, in a manner, widows, and their children fatherless; husbands were imprisoned from the society of their wives, even against the laws of God and nature; and little infants suffered in their fathers' banishments: thousands of our dearest friends have been compelled to fly, from episcopal persecutions, into desert places amongst wild beasts, there finding more favour than in their native soil: and, in the midst of all their sorrows, such hath the pity of the Prelates been, that our cries could never enter into their ears or hearts; nor yet, through multitude of their obstructions, could ever have access or come nigh to those royal mercies of our most gracious sovereign, which we confidently hope would have relieved us.—After all these pressures ended, we humbly signify that our present fears are, that unless the blood-thirsty faction of the Papists and Prelates be hindered in their designs, ourselves in England, as well as they in Ireland, shall be exposed to that misery which is more intolerable than that which is already past; as, namely, to the rage, not of men alone, but of devils incarnate, as we may so say, besides the thraldom of our souls and consciences concerning God, which, of all things, are most dear unto us.—Now the remembrance of all these fearfull accidents aforementioned, do strongly move us, from the example of the Woman of Tekoah, to fall submissively at the feet of his

* Printed by John Wright, at the King's Head in the Old Bailey.

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majesty, our dread sovereign, and cry, 'Help, O King!' Help ye the noble worthies now sitting in parliament! And we humbly beseech you, that you will be a means to his majesty and the house of peers, that they will be pleased to take our heart-breaking Grievances into timely consideration, and add strength and encouragement to your noble endeavours; and further, that you would move his majesty with our humble requests, that he would be graciously pleased, according to the example of the good king Asa, to purge both the court and kingdom of that great idolatrous service of the Mass, which is tolerated in the Queen's Court; this sin, as we conceive, is able to draw down a greater curse upon the whole kingdom, than all your noble and pious endeavours can prevent: the good and pious king Asa would not suffer Idolatry in his own mother, whose example if it shall please his majesty's gracious goodness to follow, in putting down Popery and Idolatry both in great and small, in the court and in the kingdom throughout; to subdue the Papists and their abettors; and by taking away the power of the prelates; (whose government, by long and woful experience, we have found to be against the liberty of our conscience, the freedom of the gospel, and the sincere profession and practice thereof) then shall our fears be removed: and we may expect that God will pour down his blessings, in abundance, both upon his majesty and upon this honourable assembly, and upon the whole land: for which your new Petitioners shall pray affectionately, &c"

The Reasons of this Petition follow:

"It may be thought strange, and unbeseeming our sex, to shew ourselves by way of Petition to this honourable assembly: but the matter being rightly considered of, the right and interest we have in the common and public cause of the church, it will, as we conceive, under correction, be found a duty commanded and required: 1. Because Christ hath purchased us at as dear a rate as he hath done men, and therefore requireth the like obedience for the same mercy, as of men. 2. Because in the free enjoying of Christ in his own laws, and a flourishing estate of the church and common-wealth, consisteth the happiness of women as well as men. 3. Because women are sharers in the common calamities, that accompany both church and common-wealth, when oppression is exercised over the church or kingdom wherein they live; and unlimited power given to the Prelates, to exercise authority over the consciences of women as well as men; witness Newgate, Smithfield, and other places of persecution, wherein women as well as men have felt the smart of their fury. Neither are we left without example in Scripture; for when the state of the church, in the time of king Ahasuerus, was, by the bloody enemies thereof, sought to be utterly destroyed, we find that Hester the queen and her maids fasted and prayed; and that Hester petitioned to the king, in the behalf of the Church; and though she enterprized this duty with the hazard of her own life, being contrary to the law to appear before the king before she were sent for; yet her love of the church carried her through all difficulties, to the performance of that duty. On which grounds we are emboldened to present our humble Petition unto this honourable assembly, not regarding the reproaches which may and are, by many, cast upon us; who do, not well weighing the premises, scoff and deride our good Intent. We do it not out of any self-conceit, or pride of heart, as seeking to equal ourselves with men, either in authority or wisdom: But according to our places, to discharge that duty we owe to God, and the cause of the church, as far as lyeth in us; following herein the example of those godly women, which have gone, in this duty, before us."

Mr. Pym's Answer to them in the Name of the House.] The editor of this Petition tells us, "That it was presented by Mrs. Anne Stagg, a gentlewoman, and brewer's wife, and many others with her of like rank and quality; and that, after some time spent in reading of it, the house sent them an answer by Mr. Pym, which was performed in this manner:

Mr *Pym* came to the commons door, and called for the Women, and spake unto them in these words:—'Good Women; Your Petition, with the Reasons, hath been read in the house, and is thankfully accepted of, and is come in a seasonable time. You shall, God willing, receive from us all the satisfaction which we can possibly give to your just and lawful desires. We intreat you, therefore, to repair to your houses, and turn your Petition, which you have delivered here, into prayers at home for us; for we have been, are, and shall be, to our utmost power, ready to relieve you, your husbands, and children; and to perform the trust committed unto us, towards God, our king and country, as becometh faithful Christians and loyal subjects."

About this time, also, a Petition from the Young Men, Apprentices, and Seamen; another from the poor Tradesmen and Manufacturers; and a third from the very porters of London, to the same effect, were presented to the house of commons, who received them all very graciously.*

* "It is fresh in memory," says the author of a tract, entitled, 'Lex Talionis,' "how this city sent forth its spurious scum in multitudes to cry down Bishops, root and branch; who, like shoals of herrings, or swarms of hornets, lay hovering about the court with lying pamphlets and scandalous pasquils, until they forced the king from his throne, and banished the queen from his bed, and afterwards out of the kingdom." "Good Lord!" says the 'True Informer,' Oxford, 1643, p. 12, "what a deal of dirt was thrown in the Bishops' faces! what infamous ballads were sang! what a thick cloud of epidemical hatred hung suddenly over them! so far, that a dog with a black and white face was called *a Bishop!*"—See Grey's Hudibras, London, 1799. Vol. I. p. 149.

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The Lords pass the Bill for taking away the Bishops Votes.] Feb. 5. A bill, which had laid long in the house of lords, 'For taking away the Bishops Votes in Parliament,' was read a third time; when, after a long debate, the question being put, Whether it should pass into a law? it was resolved in the affirmative; the Bishops of Winchester, Rochester, and Worcester only dissenting.

Feb. 7. The passing this bill being communicated to the commons, a message was sent up the next day of meeting, by sir Robert Harley, importing, "That the commons did much rejoice in that clear concurrence and correspondency between both houses; and they desired their lordships would send some lords to the king, humbly to request, That he would be pleased to crown this bill with his royal assent, as one of the chiefest means of giving satisfaction to men's minds, and exceedingly conducing towards settling the distractions of the kingdom; which was the rather desired as soon as possible, because the bill was to commence and be of force on the 15th of this instant February."—The lords agreed also to this proposal, and ordered two of their body to attend the king for that purpose.

The King's second Answer relating to the Forts and Militia.] This day the lord keeper produced a Letter from the King, in which was inclosed his majesty's Answer to the two late Petitions from parliament, which the lords ordered to be read, and was as follows:

"His majesty having well considered of the two several Petitions, presented unto him the 2nd instant, from both houses of parliament; and being desirous to express how willing he is to apply a remedy, not only to your dangers, but even to your doubts and fears; he therefore, to that Petition which concerns the Forts and Militia of this kingdom, returns this Answer, That when he shall know the extent of power, which is intended to be established in those persons you desire to be the commanders of the Militia in the several counties; and likewise to what time it shall be limited, that no power shall be executed by his majesty alone without the advice of parliament.—Then he will declare, That (for the securing you from all dangers, or jealousies of any) his majesty will be content to put in all the places both of Forts and Militia in the several counties, such persons as both the houses of parliament shall either approve, or recommend unto him; so that you declare before unto his majesty, the names of the persons whom you approve or recommend; unless such persons shall be named against whom he shall have just and unquestionable exceptions."

The King's Answer concerning the accused Members.] To the other Petition, concerning the accused Members of either house, his majesty returns this Answer:

"That as he once conceived that he had ground enough to accuse them, so now his majesty finds as good cause wholly to desert any further prosecution of them: and, for a further testimony of his majesty's real intention towards all his loving subjects, some of whom haply may be involved in some unknown or unwilling errors; for the better composing and settling of fears and jealousies, of what kind soever; his majesty is ready to grant as free and general a pardon, for the full contentment of all his loving subjects as shall, by the approbation of both houses of parliament, be thought convenient for that purpose."

His majesty added, "That being very much pressed by the States Ambassador, to send the princess his daughter immediately into Holland; and being likewise earnestly desired by his royal consort, the queen, to give her majesty leave to accompany her daughter thither; he hath thought fit to consent to both desires; and to make this his majesty's consent, and her majesty's resolutions, known to his parliament."

Feb. 7. p. m. The commons desired a conference with the lords, about the aforesaid Answers; the report of which was, "That they presented to their lordships an Ordinance of parliament, concerning the Militia, with some Resolutions of their house, about the continuance of power to be put to it; which was voted to continue until it was altered by the advice and desires of both houses: and that the power of recommending or altering such persons, as shall be trusted with the Militia, be on the same footing as in the former."

Debate in the Commons concerning the Militia.] There had been many debates in the commons concerning the Militia: in which some members declared their opinions, That the power of the Militia was solely in the king, and ought to be left to him, and that the parliament never did, nor ought to meddle with the same. Others were of opinion, that the king had not this power in him, but that it was solely in the parliament; and that if the king refused to order the same according to the advice of the parliament, that then they, by the law, might do it without him. In one of these days debate,

Mr. *Whitlocke* spoke as follows:* 'Mr. Speaker; I have often heard it said in former debates, in other matters, in this house, that such and such a thing was of as great concernment as ever came within these walls. I am sure it may be said so of the matter of your present debate: it is truly of the greatest concernment that ever came within these walls. It highly concerns us all, and our posterity after us, where this power of the Militia shall be placed. This great power, which indeed commands all men, and all things, cannot be too warily lodged, nor too seriously considered; and I do heartily wish that this great word, this new word, this hard word, the Militia, might never have come within these walls; but that this house may be, as the Temple of Janus, ever shut against it. I take the meaning of those gentlemen who introduced this

* Memorials, p. 53.

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word to be, the power of the sword, potestas gladii, which is a great and necessary power, and properly belonging to the magistrate; potestas gladii in facinerosos, without which our peace and property cannot be maintained. But potestas gladii in manibus facinerosorum, in the hands of soldiers, is that whereof you now debate: and it is best out of their hands; I hope it will never come there. Some worthy gentlemen have declared their opinions, that this power of the Militia is, by right and law, in the king only: others affirm it to be in the parliament only. I crave leave to differ from both these opinions. I humbly apprehend that this power of the Militia, is neither in the king only, nor in the parliament only; and if the law hath placed it any where, it is both in the king and parliament, when they join together. And it is a wise institution of our law, not to settle this power any where; but rather to leave it in dubio, or in nubibus, that the people might be kept in ignorance thereof, as a thing not fit to be known, nor to be pried into. It is the great arcanum imperii, and the less it is meddled with, the less acquaintance we have with it, the better it will be for all sorts of persons, both for king and people.—That this power of the Militia is not in the king only, appears in this, that the power of money is not in the king; but it will be granted here, that the power of money is solely in this house; and without the power of money to pay the soldiers, the power of the Militia will be of little force. But if the power of the Militia should be in the king, yet the power of money being in the parliament, they must both agree, or else keep the sword in the scabbard, which is the best place for it. It is true that the king, by his tenures, may require the service, in war, of those that hold of him; but if they stay above 40 days with him, unless he give them pay, they will stay no longer. And it is also true, that our law looks upon the king, as the Jewish law did upon theirs, that, by his kingly office, 'he is to go in and out before the people,' and to lead them in battle against their enemies; but, by the laws of the Jews, their king could not undertake a war abroad without the consent of the great Sanhedrim. And, by our law, as is declared by the statute 1 Edw. 3. and by divers subsequent statutes, the king can compel no man to go out of his country, but upon the sudden coming of strange enemies into the realm; and how many of our parliament rolls do record that the king advised with his parliament about his foreign wars, and could not undertake them without the advice and supplies of the parliament? All the power of the Militia is exercised either in offence or defence; defence is either against the invasion of enemies from abroad, or against insurrections at home. Against insurrections at home, the sheriff of every county hath the power of the Militia in him, and if he be negligent to suppress them with the Posse Comitatus, he is fineable for it. Against invasions from abroad, every man will be forward to give his assistance; there will be little need to raise forces, when every man will be ready to defend himself, and to fight pro aris & focis. As to offensive war against a foreign enemy, if the king will make it of himself, he must of himself pay his army; which his own revenue will hardly afford, nor can he compel any of his subjects to serve him in those wars; none can, by law, be pressed to serve in that war but by act of parliament. But not to waste more of your time, sir, I shall conclude, that, in my humble opinion, the power of the Militia is neither in the king alone, nor in the parliament; but if any where, in the eye of the law, it is in the king and parliament both consenting together. And I think it best that it should be there still. I cannot join in that advice to you, to settle the Militia of ourselves without the king; but rather with those worthy gentlemen who have moved, that we, yet again, should petition his majesty that the Militia may be settled in such hands as both he and you shall agree upon whom you may trust; and who, I hope, will be more careful to keep the sword sheathed than to draw it.'

The King delays his Assent to the Bill against the Bishops Votes.] Feb. 8. This day the lords agreed to the Resolutions of the commons about the Militia. The earl of Monmouth reported what the king said concerning the message of both houses, to him, for passing the bill to take away the Bishops Votes, "That it was a matter of weight, which his majesty would take into consideration, and send an Answer in convenient time."

The Commons' Reasons for hastening it.] In the afternoon, the commons desired another conference with the lords, which was reported back to that house, That the commons say, they could not receive the king's Answer about the Bishops bill, but with great sorrow, little hope arising that it would pass. They say, they hold a delay to be as bad as a denial; and seeing the passing of this bill is a matter of that great importance, the vote of the whole kingdom being for it, as may appear by daily petitions from several parts, the commons desire the lords to join with them in laying the three following Reasons for it before the king: "1. The great and general sufferings of the kingdom, by the clergy's exercising of secular jurisdictions, and the Bishops making a party in the house of lords, as has been of late expressed from several parts; it is the opinion of parliament that there cannot be satisfaction given, either to the people's just desires, or the heavy grievances they suffer under, without the speedy passing of this bill. 2. The great content which the bill's passing in both houses, hath given to all sorts of people; the delay whereof by his majesty will exceedingly lessen that satisfaction, and turn it into great discouragement. 3. The speedy passing of this bill, of such importance, would be, to the lords and commons, a comfortable pledge of his majesty's gracious intentions to concur with them in their subsequent desires; which

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they are preparing to present to his majesty, as the cures of those great evils and miseries the kingdom now groans under."

The lords joined with the commons in presenting these Reasons to the king, and chose two of their body to go with a fit number of the commons for that purpose. The bill for Pressing of Soldiers passed the house of lords this day; and the giving the royal assent to it, was made a part of the aforesaid message.

Mr. Pleydell's Speech concerning Religion.] During the debates of this day,

Mr. *Pleydell*, member for Wotton Basset, spoke as follows*: 'Mr. Speaker; I have heard, since I had the honour to sit here, many grievances presented; and truly, sir, my heart bleeds within me when I think of them, especially those that concern Religion. But what should I speak of Grievances concerning Religion, when religion itself is become a Grievance; nay, the very nurse and mother of all grievances, all scandals, all reproaches? 'Tantum Religio potuit suadere malorum.' Sir, not to trouble you with any long discourse; if I have any sight, that bark, both of church and state, hath a long time floated betwixt Sylla and Charibdis, Popery on the one side, and I know not what to call it on the other; in many respects both alike dangerous, unless the Italian proverb may alter the case, 'God defend me from my reputed friends, and I will defend myself from my professed enemies.' Sir, we are intrusted by God, the king, and the country, with the managing of this bark, fraught with the fortunes of three great kingdoms. Now, should we so decline the former rock, that we dash on the other side, I humbly offer it to this hon. assembly, whether she might not have just cause to say, she had changed her pilot rather than her condition, and only shifted places to find her ruin: for, sir there is as much beyond truth, as on this side it; and would we steer a right course we must be sure to keep the channel, lest we fall from one extreme to another, from the dotage of superstition, to the frenzy of profaneness; from bowing to idols, to worship the calves of our own imaginations. —Sir, I beseech you consider, what libellous pamphlets are now printed, what sermons are preached, not building hay and stubble, but utterly subverting the foundations of truth: what irreverence in churches, what profanation of God's service, to the scandal of Christianity, the reproach of religion, and the intolerable grief of all good men; of which I may take up the words of Petrus de Aliaco to the council of Constance, 'Nisi celeriter fiat reformatio, audeo dicere, quod licet magna sint quæ videmus tamen in brevi incomparabilia majora videbimus, & post ista tam horrenda majora alia audiemus.' Sir, I take God to record I am no man's advocate; no man's enemy, but a faithful lover of truth and peace, and a dutiful son of our distressed mother the church of England, in whose behalf, and our own, my motion shall be shortly this: That the Minister's Petition, with so much of their Remonstrance as hath been read, may be committed; and the rest of it, concerning matter of doctrine, may be referred to some learned and approved divines, as have spent their time in that noble study. For give me leave to tell you, there is a vulgus among the clergy, as among the laity, 'et in utroque nil modicum;' and for these and all things which strike at the root and branch, as they please to call it, I shall humbly move that we rather consider how to satisfy the petitioners with some timely Declaration from both houses, of the lawfulness and conveniency of episcopal government, derived from the Apostles, and so long established in this kingdom, rather than venture upon any alteration, the consequence whereof the wisest man cannot foresee: and, in truth, sir, should we once begin, for my own part, I know not how, or where we should stay. Nevertheless, if any one doubt the superiority of Bishops over priests and deacons in ecclesiastical government, or in ordination, I shall be ready, whensoever this house shall command me, to make it good, and I think by as pregnant testimonies, as we are able to prove the difference betwixt canonical and apocryphal scripture, the necessity of infants baptism, or that the apostles were the authors of their own creed: but, sir, I hope you will save yourself and me that labour, and rather devise of some set way to bind up the church's wounds, which God knows are too wide already; that so the clergy and laity being made friends, and all reduced to the model of our ancestors since the Reformation, we may altogether preserve the unity of the spirit, in the bond of peace; and so his majesty having graciously and prudently expressed himself, I am the more confident we shall not only put an end to all misintelligence betwixt prince and people, but also highly advance the Protestant cause, and give a deadly blow to the see of Rome. Sir, I humbly ask the favour of the house, for God is my witness 'Non potui aliter liberare animam meam'.

The King complains of a Passage in Mr. Pym's Speech.] The same day Mr. Speaker read a Letter from his majesty, and in it inclosed this message:

"His majesty taking notice of a Speech, pretending, in the title, to have been delivered by Mr. Pym, in a conference, and printed by order of the house of commons; in which it was affirmed, That since the stop upon the Ports, against all Irish Papists, by both houses, many of the chief commanders, now in the head of the rebels, have been suffered to pass, by his majesty's immediate warrant; and being very certain of having used extreme caution, in the granting of passports into Ireland; so that he conceives either this paper not to have been so delivered and printed as it pretends, or this house to have received some misinformation: his majesty would be resolved, whether this Speech were so delivered and printed, and, if

* From a collection of old Tracts by Edward Frewen, esq. of Sussex.

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it were, would have this house to review, upon what informations that particular was grounded; that either that may be found, upon examination, to have been false, and both this house and his majesty injured by it: or that his majesty may know, by what means, and by whose fault, his authority hath been so highly abused, as to be made to conduce to the assistance of that rebellion, which he so much detests and abhors, and that he may see himself fully vindicated from all reflections of the least suspicion of that kind."

Hereupon a committee was appointed to consider of the king's Message, also of the Informations given to the house touching this business, and what is fit to be done thereupon.

Ordinance concerning the Militia.] Feb. 9. The commons sent to the lords an Ordinance concerning the Militia, which had passed their house with amendments. But some objection arising, Whether the words, 'shall answer their contempt to the lords and commons,' did not give a part of judicature to the lower house, it was thought fit to add to 'the lords and commons,' *in a parliamentary way*: which was agreed to. Then the whole was read in these words:

"Whereas there has been, of late, a most dangerous and desperate design upon the house of commons, which we have just cause to believe to be an effect of the bloody counsels of Papists, and other ill-affected persons, who have already raised a rebellion in the kingdom of Ireland: and by reason of many discoveries, we cannot but fear they will proceed, not only to stir up the like rebellion and insurrections in this kingdom of England, but also to back them with forces from abroad: for the safety, therefore, of his majesty's person, the parliament, and kingdom, in this time of imminent danger; It is Ordained by the king, lords and commons now in parliament assembled, that shall have power to assemble and call together all and singular his majesty's subjects within the county of , as well within liberties as without, that are meet and fit for the wars, and them to train, exercise, and put in readiness, and them, after their abilities and faculties, well and sufficiently, from time to time, to cause to be arrayed and weaponed, and to take the muster of them in places most fit for that purpose. And shall have power and authority, within the said county, to nominate and appoint such persons of quality, as to him shall seem meet, to be his deputy lieutenants, to be approved of by both houses of parliament. And that any one or more of the said deputies, so assigned and approved of, shall in the absence, or by the command of the said , have power and authority to do and execute within the county of all such powers and authorities as before in this present Ordinance contained. And shall have power to make colonels and captains, and other officers, and to remove out of their places, and make others, from time to time, as he shall think fit for that purpose. And his deputies, colonels, and captains, and other officers, shall have further power and authority to lead, conduct, and employ the persons aforesaid arrayed and weaponed, as well within the county of , as within any other part of this realm of England, or dominion of Wales, for the suppression of all rebellions, insurrections, and invasions that may happen, according as they, from time to time, shall receive directions by his majesty's authority signified unto them by the lords and commons assembled in parliament. And it is further ordained, that such persons as shall not obey in any of the premises, shall answer their neglect and contempt to the lords and commons in a parliamentary way, and not otherwise, nor elsewhere: And that every the powers granted, as aforesaid, shall continue, until it shall be otherwise ordered or declared by both houses of parliament, and no longer. This also to go to the dominion of Wales.'—John Brown, Cler. Parl."

The commons next proceeded to nominate persons to be, by them, recommended to the king, as fit to be intrusted with the Militia of the kingdom; wherein they desired the lords concurrence, which was granted. Sir John Conyers was again recommended to the king, from both houses, as lieutenant of the Tower.

Names of the Persons recommended to be Lieutenants of the Counties.] The nomination of the Lieutenants of the several Counties, in England and Wales, employed the commons three several days. The following List of them, extracted from their Journals, will shew who were at this time the favourites of that house, and also serve to illustrate many passages in the sequel:

COUNTIES IN ENGLAND.

Berkshire—Earl of Holland.
Bedfordshire—Earl of Bolingbroke.
Buckinghamshire—Lord Paget.
Cambridgeshire and the Isle of Ely—Ld. North.
Cheshire and the county and city of Chester—Lord Strange.
Cornwall—Lord Roberts.
Cumberland—Lord Grey de Werk.
Derbyshire—Earl of Rutland.
Devonshire, and the county and city of Exeter—Earl of Bedford.
Dorsetshire, and the county of the town of Poole—Earl of Salisbury.
Isle of Purbeck in the county of Dorset—Sir John Banks, kt. lord chief justice of the common pleas, and constable of Corfe Castle.
Durham—Sir Henry Vane, sen.
Essex—Earl of Warwick.
Gloucestershire, and the county and city of Gloucester—Lord Chandois.
Hampshire, and the town and county of Southampton and Isle of Wight—E. of Pembroke.
Hertfordshire—Earl of Salisbury.
Herefordshire—Lord Dacres.
Huntingdonshire—Lord Mandeville.
Kent, and the city and county of Canterbury—Earl of Leicester.
Lancashire—Lord Wharton.

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Leicestershire—Earl of Stamford.
Lincolnshire; the parts of Kesteven and Holland, and county of the city of Lincoln—Earl of Lincoln; and for the parts of Lindsay—Lord Willoughby de Parham.
Middlesex—Earl of Holland.
Monmouthshire—Lord Philip Herbert.
Northamptonshire—Lord Spencer.
Nottinghamshire, and the town and county of Nottingham—Earl of Clare.
Northumberland, the town and county of Newcastle, and the town of Berwick—Earl of Northumberland.
Norfolk, and the county and city of Norwich—Earl of Warwick.
Oxfordshire—Lord Visc. Say and Sele.
Rutlandshire—Earl of Exeter.
Salop—Lord Littleton, lord keeper.
Somersetshire—Marquis of Hertford.
The county and city of Bristol—Mr. Denzil Hollis.
Staffordshire, and the county of the city of Litchfield—Earl of Essex.
Suffolk—Earl of Suffolk.
Surrey—Earl of Nottingham.
Sussex—Earl of Northumberland.
Warwickshire, and the county of the city of Coventry—Lord Brooke.
Westmoreland—Earl of Cumberland.
Wiltshire—Earl of Pembroke.
Worcestershire, and the county of the city of Worcester—Lord Howard of Escrick.
Yorkshire, the counties of the city of York, and of the town of Kingston upon Hull—Earl of Essex.

COUNTIES IN WALES.

Isle of Anglesey—Earl of Northumberland.
Brecon—Lord Philip Herbert.
Cardigan—Earl of Carbery.
Caermarthen, and the town of Caermarthen—Ditto.
Caernarvon—Earl of Pembroke.
Denbigh—Lord Fielding.
Flint—Ditto.
Glamorgan—Lord Philip Herbert.
Montgomery—Earl of Essex.
Merioneth—Earl of Pembroke.
Pembrokeshire, and the town of Haverford-West—Earl of Northumberland.
Radnor—Lord Littleton, lord keeper.

The Commons Answer to the King's Message concerning Mr. Pym's Speech.] This day sir Wm. Lewis reported, from the committee appointed to consider the king's Message relating to Mr. Pym's Speech, the following Answer; which was read, and, upon the question, assented to by the house, as follows:

"Your majesty's most loyal and faithful subjects, the commons now assembled in parliament, have taken into their serious consideration the Message received from your majesty, the 7th of this instant February; and do acknowledge, that the Speech therein mentioned to be delivered by Mr. Pym, in a conference, was printed by their order; and that what was therein delivered, was agreeable to the sense of the house: And, touching that passage, wherein it is affirmed, That, since the stop upon the Ports against all Irish Papists, by both houses, many of the chief commanders, now in the head of the rebels, have been suffered to pass, by your majesty's immediate warrant, they present your majesty with this their humble Answer: That they have received divers advertisements, concerning several persons, Irish and other Papists, which have obtained your majesty's immediate warrant for their passing into Ireland, since the order of restraint of both houses; some of which, as they have been informed, since their coming into Ireland, have joined with the rebels, and been commanders amongst them; and some others have been stayed, and are yet in safe custody; particularly the lord Delvyn, and four other persons in his company, whereof one is thought to be a priest; one colonel Butler, brother to the lord Montgarratt, now in rebellion, and sir Geo. Hamilton; all which are Papists; and one other, as is reported, being the son of lord Nettersfield, whose father and brother are both in rebellion: the particular names of others we have not yet received; but doubt not, but, upon examination, they may be discovered. And your majesty's most faithful subjects are very sorry, that the extreme caution which your majesty hath used, hath been so ill seconded with the diligence and faithfulness of your ministers; and that your royal authority should be so highly abused; although, as it was expressed in that Speech by Mr. Pym, we believe it was by the procurement of some evil instruments, too near your royal person, without your majesty's knowledge and intention: and we beseech your majesty to take such course, that not only your honour may be vindicated for the time past, but your kingdom may be secured from the like mischief for the time to come."

Mr. Chancellor of the Exchequer *, Mr. Carew, sir Dudley North, and Mr. Strangeways were appointed to attend his majesty with this Answer the next day.

Petition from the Inhabitants of Cleveland.] Several more Petitions from counties, to the same purpose as those before given, were presented and read; amongst which there was a short one from the Gentry, Ministry, and Commonalty of Cleveland, in the county of York, so particular in its style, as to deserve our notice:

"To the Rt. Hon. the LORDS and COMMONS of the House of Parliament.

"Whereas we know no other means, under God, to divert the just judgments which he hath executed against the church of the Laodiceans, for their lukewarmness in Religion;

* Sir John Colepeper, so appointed about this time, when lord Falkland was made Secretary of State. The reasons for their promotion are very particularly detailed in Clarendon, Vol. I. p. 267.

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or against the church of Thiatira, for keeping Seducers; nor to prevent our imminent dangers, but by a most necessary and speedy executing of the laws of God and the king: We do therefore desire to certify, that we are resolved to live and die in the faith of the Protestant Religion, knowing no other means of salvation; and that we will defend it with our lives and goods: which that we may, with our abilities, be encouraged in performing, we humbly, above all things, desire that we may be secured; a happy reformation afforded; and the laws of God and the king, without favour or delay, justly put in execution against Papists. And your Petitioners, &c."—This Petition is said, in the Lords Journals, to be subscribed by several hundred hands.

The King consents to the Removal of the Lieutenant of the Tower.] Feb. 11. The king's Answer to the desires of both houses, about the Lieutenancy of the Tower, was reported to the lords, which was to this effect:

"Although his majesty thinks himself not obliged to give an Answer, in any particular, concerning the Forts and Militia of the kingdom, until he shall know the extent of the power and time, and to whom they shall be disposed of; yet, to shew his real intention to satisfy the fears of his people, he is content to accept of sir John Conyers, in the place of sir John Byron, to be lieutenant of the Tower; having already, at his earnest desire, received the surrender of the said place from him."

The Lord Keeper's Speech on giving the Royal Assent to the Bills, for levying Soldiers, and taking away the Bishops Votes.] Feb. 14. The lord keeper acquainted the lords, That he had received a commission from the king, to give the royal assent to two bills; one for levying of Soldiers, and the other for taking away the Bishops Votes and Seats in that house; and likewise that he had received a Message from his majesty, which was to be read after the bills were passed. He then addressed himself to the lords as follows:

"My Lords; His majesty being very willing to give full satisfaction to all the just desires of his subjects, especially when they are transmitted to him by the representative body of the kingdom, the lords and commons assembled in the high court of parliament, his great and general council, hath therefore taken into his serious consideration two Bills of great importance, which were lately passed by the votes of both houses: the one 'For impressing and raising of Soldiers for the present Expedition into Ireland,' to aid and relieve the poor distressed Protestants, who are there daily and barbarously butchered and massacred by the over-prevailing party of the bloody Papists; a thing taken much to heart by the king and all other good men. In which bill there is contained a clause, tending much to the security of the persons of the subjects of this kingdom, in declaring, That, by the law, no man ought to be impressed nor otherways compelled to go out of his country, to serve as a soldier, without his own particular assent; or by common consent of parliament, wherein he is involved, unless it be upon necessity of the sudden coming of strange enemies into the land, as, heretofore, it was ordained by a statute made in the 1st year of Edw. 3. or that he be thereunto obliged by tenure; the contrary whereof hath been practised for many ages, viâ facti.—The second bill, much wished and earnestly insisted on, is 'For taking away the Votes of Bishops out of the Lords House, and exempting them from the trouble of other Secular Affairs;' that so, being reduced to their first and original institution, they may the better attend the gaining of souls to Heaven, by their frequent preaching and other divine offices proper to their function; a work much more excellent than their mingling in temporal businesses. But in regard his majesty cannot, with conveniency, be present to give the royal assent to these two bills, in person, he hath done it by commission; which your lordships and the gentlemen of the house of commons may be pleased to hear read to your great satisfaction, and content of the people in general."

The King's Message upon that Occasion.] This being ended, with the ceremony of passing the two bills, the king's Message, dated at Canterbury, Feb. 13, (where he went to set the Queen on her Journey to Holland) was read to both houses in these words:

"Though his majesty is assured, that his having so suddenly passed these two Bills, being of so great importance, and so earnestly desired by both houses, will serve to assure his parliament, that he desires nothing more than the satisfaction of his kingdom; yet that he may further manifest to both houses how impatient he is, till he find out a full remedy to compose the present distempers, he is pleased to signify, That his majesty will, by proclamation, require, that all statutes made concerning recusants be, with all care, diligence, and severity, put in execution: That his majesty is resolved, that the 7 condemned Priests shall be immediately banished, if his parliament shall consent thereunto: And his majesty will give present order; if it shall be held fit by both houses, that a proclamation issue to require all Romish Priests, within 20 days, to depart the kingdom; and if any shall be apprehended after that time, his majesty assures both houses, on the word of a king, that he will grant no pardon to any such, without consent of his parliament.—And because his majesty observes great and different troubles to arise in the hearts of his people, concerning the government and liturgy of the church, his maj. is willing to declare, That he will refer that whole consideration to the wisdom of his parliament; which he desires them to enter into speedily, that the present distractions about the same may be composed: But desires not to be pressed to any single act on his part, till the whole be so digested and settled by both houses, that his maj. may clearly see what is fit to be left, as well as what

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s fit to be taken away.—For Ireland, in behalf of which his majesty's heart bleeds, as his maj. hath concurred with all propositions made for that service by his parliament, so he is resolved to leave nothing undone for their relief which shall fall within his possible power; nor will refuse to venture his own royal person in that war, if his parliament shall think it convenient, for the reduction of that miserable kingdom.—And lastly, his majesty taking notice, by several Petitions, of the great and geral Decay of Trade in this kingdom, and more particularly of that of cloathing and new draperies; concerning which he received lately, at Greenwich, a modest, but earnest, Petition from the clothiers of Suffolk; of which Decay of Trade his majesty hath a deep sense both in respect of the extreme want and poverty it hath brought, and must bring, upon many thousands of his loving subjects; and of the influence it must have, in a very short time, upon the very subsistence of this nation; doth earnestly recommend the consideration of that great and weighty business to both houses; promising them that he will, most readily, concur in any resolution their wisdoms shall find out, which may conduce to so necessary a work."

The commons being withdrawn, it was moved, That the king might receive thanks and acknowledgments for his grace and goodness in passing the two Bills, and likewise for his Message; and a committee was appointed to draw up a form to that purpose. Which being done, was read to the house as follows: "The lords and commons assembled in parliament do with much joy receive, and with much thankfulness acknowledge, your majesty's grace and favour in giving your royal assent to a bill, intitled, 'An Act for disabling all persons in Holy Orders to exercise any Temporal Jurisdiction or Authority;' and also your majesty's care for Ireland expressed in the dispatch of the Bill for Pressing, so much importing the safety of that and this kingdom; and they do, with the like thankfulness, acknowledge your majesty's gracious favours, expressed in the Message to both houses, that your maj. will not grant any pardon to any Romish Priest without consent of parliament."

This being agreed to by the lords, was sent down to the commons, for their approbation, which they gave to it; but desired that the Ordinance of parliament, touching the Militia, might be presented at the same time. The lords demurred to this; and ordered, That they should be presented separately.

Impeachment against the Attorney General.] This day, the commons sent up an Impeachment against sir Edw. Herbert, the king's Attorney-General, for high crimes and misdemeanors; which was read to the lords in hæc verba.

"That the said sir Edw. Herbert, knt. his majesty's Attorney General sworn, on the 3d day of Jan. 1641, contrary to his oath and the duty of his place, did falsely, scandalously and maliciously, advise, contrive, and publish certain false, scandalous, and malicious Articles of High Treason against the Lord Kimbolton, one of the members of the house of peers in parliament, D. Hollis, esq. sir A. Haslerig, bart. J. Pym, J. Hampden, and Wm. Strode, esqrs. being then, and yet, members of the house of commons in parliament, which Articles follow in these words: [Here the Articles are recited, which we have before given at p. 1005.] And the said sir E. Herbert, the said 3rd day of Jan. did falsely, unlawfully, and maliciously exhibit the said Articles into the house of peers, and caused the same to be entered into the clerk's book of the said house; intending and endeavouring thereby, falsely, unlawfully, and maliciously, to deprive the said houses of their said several members, and to take away their lives, estates, and good names. All which doings of the said attorney, and every of them, were, and are, high breaches of the privileges of parliament, tending to sedition, and to the utter subversion of the fundamental rights and being of parliaments, the liberty of the subject, and to the great scandal and dishonour of his majesty and his government; and were, and are, contrary to the oath of the said Attorney General, and to the great trust reposed in him by his majesty; and contrary to the laws of this realm; and a great derogation to his majesty's royal crown and dignity. For which high crimes and misdemeanors the said commons, saving to themselves the liberty of exhibiting any further or other Impeachment, or accusation, against the said sir E. Herbert, do impeach him: and do pray that he may be forthwith put to answer the premises in the presence of the commons, and that his person may be secured."

Hereupon the Attorney General was sent for, and standing in his place, as assistant, the Charge was read to him, who answered, That he humbly desired to have a copy of the Impeachment, and such time allowed as their lordships do, in justice give to others. The lords gave him 8 days to bring in his Answer; and the earl of Monmouth offering himself as bail for his appearance, he was bound in 5000*l.* bond for it.

The Trial of the 12 Bishops again deferred.] The next day having been appointed for the Trial of the Bishops, another message came up from the commons, That in regard of the many great and important occasions, now depending before them, they desire the Trial might be put off till Friday come se'nnight, and that they would then desire no further time. The lords agreed to this; but ordered, That, in regard the Bishops had been so many times put off, from day to day, from trial, and that many of them were aged men, they should be bailed; provided they found such security as the house should approve of, for their appearance on the said day, which was to be peremptory on all sides.

Lord Digby's Letters to the Queen, &c. intercepted.] A packet of letters from lord Digby be-

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ing intercepted, directed to secretary Nicholas, was orded to be opened; but one of them being directed to the Queen, the lords disputed the opening of it, and sent to know the opinion of the commons about it. They returned for Answer, That they had voted it should be opened; on which the lords, conceiving this affair to be a thing of great consequence, desired a conference; the report of which was, "That the commons said, they saw no reason to alter their vote; 1. Because it concerned the safety of the kingdom; for, by this means, the evil spirit and counsels of the lord Digby might be discovered and prevented. 2. If this Letter be delivered to the Queen unopened, the parliament will be put to a deal of trouble to discover what is presented to her majesty in these letters. 3. Since, of late, they had very good reason to suspect the lord Digby as an ill instrument, they conceive they ought not to lose so happy an occasion offered to do the state service; which, if neglected, they shall not be able to answer." On this, a great debate arose in the lords, but at last, it was ordered, That the letters should be opened.

Resolutions of the Commons concerning evil Counsellors, &c.] Feb. 15. This day Mr. Glynn reported to the commons the Resolutions of a committee, appointed to consider how evil Counsellors might be found out and removed from the king, as follows: 1. "That all privy-counsellors and great officers of state may be removed for the present, excepting such as have offices by inheritance. 2. That his majesty shall be humbly desired that he will be pleased to receive only such, to be counsellors and great officers of state, as shall be recommended unto him by the humble advice of both houses of parliament. 3. That such of the said counsellors and great officers, whose names shall be presented by both houses, shall not have access to the persons or courts of the king and queen's majesty. 4. That Mr. Wm. Murray, of the bed-chamber, is thought fit to be removed from the persons and courts of the king and queen, as one that is conceived to give dangerous counsel." In like manner, Mr. Porter, the lord Digby, Mr. Wm. Crofts, and sir John Wyntour, secretary to the queen, were excepted against; but when Mr. Porter's exception, being a member of that house, was put to the Question, it was carried against him, by only 110 against 107.

The Lords pass the Ordinance for the Militia.] Feb. 16. The Ordinance concerning the Militia being at last completed by the two houses, it was this day read and agreed to by the lords; and ordered to be presented to the king. Lord Clarendon observes upon this occasion, "That when this bill had been, with much ado, accepted, and first read, there were few men who imagined it would ever receive farther countenance: but now there were few, who did not believe it to be a very necessary provision for the peace and safety of the kingdom; so great an impression had the late proceedings made upon them."

The 12 Bishops remanded to the Tower.] A message was brought from the commons by Mr. Hollis, importing, "That they understood their lordships had bailed the 12 Bishops impeached by them of high treason; but that they had voted they ought not to be bailed; and therefore desired their lordships to remand them back to the place where they were; which the lords also ordered accordingly: but sent to let the commons know, that they had ordered the Trial to be on the 19th instant; which was agreed to by the Commons.

The Queen's Message concerning the Lord Digby's Letter to her.] Feb. 17. The king's Answer to the parliament's Address of Thanks was reported to the lords; which was only this, "Well, I pray you take Ireland, really, into your care; and let your thanks be expressed in that, and I shall thank you."

A Message came, also, from the King, this day, to the lords, which was read in these words:—"His majesty, at the earnest desire of his consort, the Queen, hath thought fit to acquaint the parliament, that she understanding a Letter, addressed to herself, had been opened by them, and remains in their custody, desired that a transcript of it might be speedily sent her; and declares, That if the parliament should desire to be further satisfied from her, of any particulars mentioned in that letter, or any circumstances concerning the same, so far forth as may any ways relate unto or reflect upon her person, or any whatsoever concerning her, she is ready and very willing to give them due satisfaction therein." A copy of this Message was dispatched to the commons; but, this not contenting that house, they desired to see the original message which was sent them.

Another Petition relating to the Accused Members.] The commons prepared another petition to the King, concerning the accused Members, which they sent up to the lords for their concurrence, who joined with them in it. This petition was as follows:

To the King's Most Excellent Majesty; The humble PETITION of the LORDS and COMMONS, now assembled in parliament.

"Sheweth; That whereas your majesty, in Answer to their late Petition touching the proceedings against the lord Kimbolton, Mr. Hollis, &c. members of the parliament, was pleased to signify, That as your maj. once conceived that you had ground enough to accuse them, so now your maj. finds as good cause, wholly, to defer any further prosecution of them: notwithstanding which, they remain still under that heavy charge so imputed unto them, to the exceeding prejudice not only of themselves, but also of the whole parliament: and whereas, by the express laws and statutes of this your realm, that is to say, by two acts of parliament, the one made in the 37th, and the other in the 38th year of the reign of your most noble progenitor king Edw. 3. If any person whatsoever make suggestion to the king himself of any

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crime committed by another, the same person ought to be sent, with the suggestion, before the chancellor or keeper of the great seal, the treasurer, and the great council, there to find surety to pursue his suggestion; which if he cannot prove, he is to be imprisoned till he hath satisfied the party accused of his damages and slander, and made fine and ransom to the king. The said lords and commons, therefore humbly beseech your maj. that, not only in point of justice to the said members in their particular, but for the vindication of the rights and privileges of parliament, your maj. will be pleased to send the person, or persons, that in this case made the suggestions or informations to your maj. against the said members of parliament, together with the said suggestions or informations, to your parliament; that so such fruits of the said good laws may be had as was intended by them, and the rights and privileges of parliament may be vindicated; which, of right and justice, ought not to be delayed."

Answer of both Houses to the Queen's Message.] Feb. 19. The commons sent up Mr. Pym, with an Answer to the king's last message about the lord Digby's Letters, with the copies of them, and desired their lordships concurrence in it: it was to this effect:*

"Most Gracious Sovereign; Your majesty's most loyal and faithful subjects, the lords and commons in parliament, have received your Message of the 17th instant, sent at the instance of the queen; and, upon consideration thereof, we find, to our great joy and content, clear expressions of grace and favour from both your majesties, for which we return you our most humble thanks; and have herewithal sent the transcript of that Letter required by your maj. as, likewise, of two other letters directed to Mr. secretary Nicholas and sir Lewis Dives; all which were brought to us, under one cover, directed to Mr. Secretary, with information that they were written by the lord Digby; who being a person fled from the justice of parliament, and one who had given many evidences of his disaffection to it, we conceived it necessary to open the two latter; and finding sundry expressions in them full of asperity and malignity to the parliament, we thought it very probable the like might be contained in the Letter to her majesty; and that it would be dishonourable for her and dangerous to the kingdom if it should not be opened; wherein we were no wit deceived, as your maj. may well perceive by the contents of it. And although we cannot but be very sensible of the great dishonour therein done to your majesties, and the malicious endeavours of fomenting and increasing the jealousies betwixt your majesty and your people; yet we are far from reflecting any thing on the Queen, or expecting any satisfaction from her maj. but impute all to the bold and envenomed spirit of the man. Only we most earnestly beseech your maj. to persuade the queen, That she will not vouchsafe any countenance to, or correspondence with, the lord Digby, or any other of the fugitives or traitors; whose offences, now, depend under the examination and judgment of parliament; which we assure ourselves, will be very effectual to further the removal of all jealousies and discontents betwixt your maj. and your people, and the settling of the great affairs of your maj. and the kingdom in an assured state and condition of honour, safety, and prosperity."

The lords agreed to this Message, and ordered it to be presented to the king.

The Trial of the 12 Bishops begun.] This being the day, last appointed, for the Trial of the 12 Bishops, they were brought to the bar of the house of lords, where the managers, for the commons attended. The lord-keeper told those gentlemen they might now proceed against them; whereupon Mr. Glynn desired the Impeachment might be read; which being done, the Answer, or Plea, of the Bishops was also read; importing, That they were not guilty of the Treason charged against them. Then the Petition of the Bishops was read, on which the said Impeachment was grounded (see p. 993); after which Mr. Glynn proceeded to open the charge; and first desired, That the Bishops might be asked, 'Whether they did subscribe the Petition now read, and whether it was their hand-writing?" To this question the bishops refused to answer, because they alledged, 'That it was not charged in the impeachment; neither were they bound to accuse themselves.' Another question was then put to them, 'Whether they consented not to the exhibiting and preferring of the Petition?' To this they said, 'That they would stand to their former answer of Not Guilty.' Then Mr. Glynn desired, That the Bishops Answer which they made voluntarily, in this house, on the 30th Dec. last, might be read out of the Journal book; which being done, all the bishops, except the abp. of York, voluntarily confessed, That they subscribed the said Petition, and did own the hand-writing; but denied that they consented to the preferring of it.

The committee of the commons then proceeded, and desired leave to examine some witnesses to prove the falsity of the Bishops Petition, in styling it, 'The Petition of all the Bishops and Prelates, now called by his majesty's writ to attend in Parliament, and present about London and Westminster.' Likewise to prove that several bishops did never give their consents to the said petition, or ever absented themselves from parliament, on any occasion, or reason of fear or menace; and that some of the petitioners, viz. the bishops of Gloucester and Bath and Wells, sat in the house of lords the 28th of Dec. last.

To prove this the bishop of *Salisbury* was sworn, who said, 'That he was present about London and Westminster, at the time when the other bishops presented their petition to the king and parliament: That he was not

* These Letters will be found in Rushworth, vol. iv. p. 554.

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absent from parliament on any other occasion, than his attendance on the prince, and not out of any force or menace: neither did he hear or know of that petition, before it was brought into the house of peers, or ever consented to it before it was preferred, or since.'

Next the bishop of *Winchester*, upon oath, deposed, 'That, ever since the last recess, he hath been resident in and about London and Westminster, and attending the parliament: that he was sent for to come to the abp. of York the day after the great tumult, at the dean of Westminster's house, where were several other bishops present; the said abp. then said, That they had been affronted, and shewed a draught of a petition, and read it to them. Some speaking of amendments to it, the abp. said, 'It was hastily done, and might be made better,' or words to that effect; That then the abp. left them, and, it being late, he went home himself. Afterwards he heard no more of this matter, until he, being in the parliament house, saw a petition there under the 12 bishops hands; and thinks that it was, in effect agreeable with the aforesaid draught, although, he said, there have been some alterations made therein. He further said, That he never gave any consent to the delivery of the said petition to the king or to the lords in parliament. Also, that on the 29th of Dec. last, he, being coming to the parliament by water, met the earl of Newburgh, between the landing place at the parliament stairs and the parliament house; who asked him whither he was going, and told him there were none of his brethren, the bishops, in the house; and thereupon he turned back. He likewise said, that either on that day, or some other about that time, he was coming in a boat towards the shore, to land at the parliament stairs; and seeing a company of 'Prentices, and others standing on the shore, crying, 'No Bishops,' some called out to him, and advised him not to land there; and thereupon he caused the boat where he was to turn off, and to carry him to Lambeth, where he sent for his coach to carry him home. He further said, that he never absented himself from parliament, at any other times, except upon private occasions.'

Then the bishop of *London* was sworn, who said, 'He had been resident in and about London, ever since the last recess of this parliament: that, being at the latter place the day the 12 bishops were committed to the Tower, he was told of it, and the reason of their commitments: That the next day he came to the house of lords, where he saw the petition which the said bishops had presented; but did never hear of it before: that the only reason he came not to parliament, was because of the frost. Lastly, that he never did consent to the delivery of the said petition to his majesty, nor to the lords in parliament.'

The Evidence for the matter of fact being given, Mr. Glynn desired, That the Bishops would make their several Answers to their charge, if they had any thing to say. Hereupon, every bishop for himself, made his Answer to the matter of fact; the effect whereof was, "That, by reason of the great concourse of people and their menaces, they were afraid to come to parliament, which was the cause of preferring the aforesaid Petition and Protestation, to preserve their rights in parliament; without any intention to commit any treasonable act, or destroy the fundamental laws and being of parliaments, as is charged in the impeachment against them."

To this Mr. Glynn replied, and made some observations on some of the protestations in the Petition, and observed the circumstances in the body of the Petition, which he pressed by way of aggravation. 'Tis said, adds he, in their Petition, they can find no redress nor protection, upon sundry complaints made to both houses; and they do protest against all votes, laws, orders, resolutions, and determinations as in themselves null and of none effect, which in their absence, since the 27th of Dec. last, have already past; as likewise against all such as shall hereafter pass in this house, during the time of their absence from it: which words, he said, are an express denial of the king's authority, in giving the royal assent, in parliament, because the bishops were not present. That their crimes tended to the subversion and undermining the foundation and power of parliament. It deprives this house of all being, and makes its body without life or motion, and to be less than a Pie-Powder Court, unless the bishops were present. It overthrows the fundamental laws of the kingdom for the very same reason, and is a derogation of the honour and the privileges of parliament; charging both houses with denial to give them redress upon complaints made of the particulars in the Petition; when, in truth, no such complaints were ever made to parliament. That the bishops, in their Petition, endeavoured to raise sedition, and to fix an impression in the hearts of the people, 'That the parliament, at that time, had no power to act, or proceed in any business to relieve them in their grievances without the bishops were present.' That when the bishops Petition was preferred; there was a great rebellion in Ireland; and the remedy to subdue that kingdom to obedience was aids and supplies, as the wisdom and power of parliament should provide, which was well known to the bishops; therefore their Petition and Protestation was a direct act to endeavour the loss of that kingdom. Lastly, that at the same time when the Petition was preferred, there was a bill depending in this house to disable the Bishops from sitting and voting in parliament.' Mr. Glynn concluded with observing, 'That their evil intentions might be discovered; 1st. By the many falsities in their Petition and Protestation which had been proved by witnesses; next, by the time when these were preferred, it being the second day after a vote had passed this house, 'That this parliament is a free parliament;' therefore it was an endeavour to make an assault upon that vote

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and annul it. And these, adds he, were the streams that flowed from this fountain.'—After Mr. Glynn had done speaking to matter of fact, the Bishops desired to be heard, by their counsel, concerning the matter of law, in point of treason. But both sides being commanded to withdraw, the lords took this into consideration; and ordered, 'That the Trial of the 12 Bishops, &c. should be further proceeded in on the 24th instant.'

The King defers giving an Answer concerning the Militia Ordinance.] Feb. 21. The lord Stamford reported to the house the king's Answer to the last Message from parliament about the Militia; "That it being on a business of the highest importance, not only for the kingdom in general, but also for his majesty's regal authority, he thinks it most necessary to take some time for advisement thereupon; and therefore he cannot promise a positive Answer until he shall return; which he intends to do as soon as he shall have put his dearest consort, the Queen, and his dear daughter, the princess Mary, on board for their transportation to Holland."

Both Houses Petition the King again.] This Answer being sent down to the commons, it was by no means relished in that house; and the same day they drew up another Petition to the king about this matter; which being sent to the lords, it was by them agreed to, and ordered to be presented by the earl of Portland and two commoners. This Petition was as follows:

To the King's Most Excellent Majesty; The Humble PETITION of the LORDS and COMMONS.

"May it please your most excellent majesty; Your humble and loyal subjects, the lords and commons, have, with a great deal of grief, received your majesty's Answer to their just and necessary Petition concerning the Militia of the kingdom; which your majesty, by a gracious Message formerly sent unto them, was pleased to promise should be put into such hands as your parliament shall approve of, or recommend unto you: the extent of their power, and the time of their continuance being likewise declared: That being done, and the persons by both houses nominated, your maj. nevertheless, defers your resolution herein to a longer and very uncertain time; which, the present dangers and distractions being so great and pressing, is as unsatisfactory and destructive as an absolute denial: Therefore, we once again beseech your maj. to take our desire into your royal thoughts, and to give us such an Answer as may raise in us a confidence that we shall not be exposed to the practices of those who thirst after the ruin of this kingdom, and the kindling of that combustion in England, which they have, in so great a measure, effected in Ireland; from whence, as we are daily informed, they intend and endeavour to invade us, with the assistance of the Papists here amongst us. Nothing can prevent these evils, nor enable us to suppress the Rebellion in Ireland, and secure ourselves, but the instant granting of that our humble Petition; which we hope your maj. will not deny to those who must, in the discharge of their duties, both to your maj. and the common-wealth, represent unto your maj. what they find so absolutely necessary for the preservation of both; which the laws both of God and man enjoin them to see put in execution, as several counties, by their daily petitions, have desired of us, and, in some places, begin already to do it of themselves."

Another Answer from the king, about the lord Kimbolton, &c. was this day, also, reported to the house, and was much to the same purport as the former.

Impeachment of Lord Digby.] Feb. 22. The commons sent up an Impeachment of High Treason against Geoge lord Digby, desiring their lordships to prefix some short time for him to come and appear, before which time the commons would be ready to come up to make good their charge against him. Upon this the lords ordered out a proclamation, through England and Wales, for the lord Digby to appear and answer to this charge, within 15 days after date, on pain of conviction.

The Attorney General's Answer to the Impeachment against him.] This day the Attorney General delivered in his Answer to the Charge of the commons against him, which was read before a committee of that house in these words:

"The said defendant, saving to himself now, and at all times hereafter, all just exception to the said Impeachment, as the same is charged, for Answer saith, and acknowledgeth, That he is, and the 3d day of Jan. last past was, his majesty's Attorney General sworn: But whereas he is charged with the malicious, false, and scandalous advising and contriving the Articles in the said Impeachment mentioned, he saith, That he was, and is so far from any malice, falsehood or scandal, in the advising and contriving of the same, or any of them, that he did not at all advise or contrive the said articles, or any of them; nor ever knew or heard of them, or any of them, until he received them from his majesty's hands, the said 3rd day of Jan. last past, ready ingrossed in paper.—And as to that part of the said Impeachment, which chargeth this defendant with the exhibiting of the said Articles to this hon. house, he saith, That, upon the said 3rd day of Jan. he repaired to his majesty by his command, who then delivered unto this defendant a paper containing the Articles in the said Impeachment mentioned, and did command him, in his majesty's name, to acquaint this hon. house that divers great and treasonable designs and practices, against his majesty and the state, were come to his majesty's knowledge; for which his maj. commanded this defendant, in his majesty's name, to accuse 6 members, in the said paper mentioned, of high treason, and other high misdemeanors, by

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delivering that paper to your lordships, and to desire to have it read: And further to desire, in his majesty's name, that a select commitee of lords might be appointed to take the examinations of such witnesses as his maj. should produce as formerly had been done in cases of like nature, according to the justice of this house; and that committee to be under a command of secrecy, as formerly: and further, in his majesty's name, to ask liberty to add and alter, if there should be cause, according to justice: and likewise, that their lordships would take care of the securing of the said persons, as, in justice, there should be cause.—That, according to his majesty's said command, this defendant did come to this hon. house, the said 3rd day of Jan. and then, after the rt. hon. Edw. lord Littleton, lord keeper of the great seal of England, had declared to this hon. house, that he was commanded by his maj. to let your lordships know, that his maj. had given this defendant command to acquaint your lordships with some things from his maj.: this defendant thereupon, the said 3d day of Jan. in this hon. house, before your lordships, then and there sitting in parliament, in obedience to his majesty's said commands, as a message from him, did declare the aforesaid commands of his maj.; by acquainting your lordships, that the king had commanded him to tell your lordships, that divers great and treasonable designs and practices, against him and the state, had come to his majesty's knowledge, for which the king had given his command to accuse six persons of high treason, and other high misdemeanors, by delivering these Articles: And that he was commanded, to desire your lordships to have them read; which, by your lordships command, were accordingly read by the clerk: And then further declared, that he was also commanded by his maj. to desire, on his majesty's behalf, that a select commitee might be appointed to take the examination of such witnesses as the king would produce, as formerly had been done in cases of like nature, according to the justice of this house; and this committee to be under a command of secrecy, as formerly: And that he was commanded to ask liberty to add according to justice; and that he was commanded to desire that your lordships would take care for the securing of those persons, as, in justice, there should be cause.—And saith, he did not conceive there could be any offence in what was so done by him, in this hon. house, in obedience to those his majesty's commands; being wholly thereby left to your lordship's wisdoms and judgments, being his majesty's great council and greatest court for advice and justice.—And as touching the false, scandalous and malicious advising, contriving, or publishing the said Articles, or any other Articles against the said persons in the said papers mentioned, or any of them; or any breach of this defendant's oath of attorney general; and to the false, unlawful, and malicious exhibiting the said Articles into this hon. house, or causing any entry thereof to be made; and the intent and endeavour falsely, unlawfully, and malicously to deprive this hon. house, or the hon. house of commons, of any of the members of the said houses, or to take away any of their lives, estates, or good names; and every offence and misdemeanor charged by the said impeachment upon this defendant, he saith he is not guilty of them, or any of them, in such manner and form as by the said Impeachment is charged. All which matters and things this defendant is, and will be, ready to aver and prove in such sort, as to this hon. house of parliament shall seem meet."

The earl of Monmouth was again bail for Mr. Attorney, in 5000*l.* bond, for his appearance to abide the judgment of the lords in parliament, in this cause, and so the matter was dismissed for that time.

Feb. 23. This day the queen and princess of Orange embarked for Holland*; on the 25th the king returned to Canterbury, and the next day to Greenwich; from whence, on the 28th he removed to Theobalds on his way to York.

Further Proceedings against the 12 *Bishops.*] Feb. 24. This being the day for the further proceedings against the 12 Bishops, the lords sent down word to the commons, That they had appointed that afternoon, to hear their counsel, in point of law, concerning the treason alledged against them. Soon after the commons returned for Answer, That they had resolved to proceed against the said Bishops who were impeached by them for high treason, by bill; and are proceeding in it accordingly. Hereupon the bishops were called in, and told this matter; on which they said, They had lain long under a charge of Treason, and have had many days assigned them to be heard; and since the matter of fact had been heard, they desired the justice of this house that they might be heard by their counsel, in point of law; and either be acquitted, or judgment given against them upon the charge. The bishops being ordered to withdraw, the lords took their desires into consideration, and it was ordered, "That, before the matter against the 12 Bishops shall be concluded in any proceeding in that house, they shall be heard by themselves and their counsel, as their cause shall require." The

* Whitlocke says, "That the queen carried with her all her own and the king's jewels, not leaving behind the jewels of the crown; that with them, and the assistance of the prince of Orange a sufficient party might be raised for the king". But lord Clarendon alledges, "That both their majesties were reduced to so great want, that the queen was compelled to coin or sell her chamber plate for the supply of her most necessary occasions; there being no money in the Exchequer, or in the power of the ministers of the revenue; the officers of the customs, out of which the allowance for the weekly support of their majesty's household had been made, being injoined by the house of commons not to issue out any money, without their particular consent and approbation."

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bishops were called in again and told of this order, which was all the satisfaction they had at that time. The committee of the commons, appointed to manage the evidence against the Bishops, had been ordered to draw a bill, 'For the forfeiting of the Issues and Profits of their Estates, temporal and ecclesiastical, and the disposing thereof as the parliament shall think fit: for the Imprisonment of their Persons during their lives; and for the Disposal of all Livings that may fall within their gift.'

The King's Reply to the Commons' Answer concerning Mr. Pym's Speech.] This day the Speaker acquainted the house of commons that he had the night before received a Message from the king, (dated Feb. 22, at Dover, inclosed in a letter directed to himself) which his majesty required him to read in the house, and is as follows:

"As his majesty hath expressed a great desire to give his house of commons all possible satisfaction to all their just requests, and a readiness to rectify or retract any thing done by himself, which might seem to trench upon their privileges by any mistake of his; so he doubts not they will be ready, upon all occasions to manifest an equal tenderness and regard of his majesty's honour and reputation with his good subjects; and therefore his majesty expects they should review his Message of the seventh of this month, concerning a passage in Mr. Pym's Speech, and their Answer, sent his majesty by some of their members on the 10th of the same, with which his majesty can by no means rest satisfied. His majesty's exception in that message was, That it was affirmed in that Speech, 'That since the stop upon the Ports against all Irish Papists, by both houses, many of the chief commanders now in the head of the rebels, have been suffered to pass by his majesty's immediate warrant.' To this the Answer is, 'That the Speech, mentioned in that message to be delivered by Mr. Pym, was printed by their order, and that what was therein delivered was agreeable to the sense of the house, that they have received divers advertisements concerning several persons, Irish Papists and others, who have obtained his majesty's immediate warrant for their passing into Ireland, since the order of Restraint of both houses; some of which, they have been informed, since their coming into Ireland, have joined with the rebels, and been commanders amongst them:'—His majesty is most assured, no such persons have passed by his warrant or privity; and therefore desires his house of commons to consider, Whether such a general information and advertisement (in which there is not so much as the name of any particular person mentioned) be ground enough for such a direct and positive affirmation, as is made in that Speech; which, in respect of the place and person, and being now acknowledged to be agreeable to the sense of the house, is of that authority that his maj. may suffer in the affections of many of his good subjects; and fall under a possible construction (considering the many scandalous pamphlets to such purpose) of not being sensible enough of that Rebellion, so horrid and odious to all Christians; by which, in this distraction, such danger might possibly ensue to his majesty's person and estate, as he is well assured his house of commons will use their utmost endeavours to prevent. And, therefore, his maj. thinks it very necessary, and expects that they name the persons, who, by his majesty's licence, have passed into Ireland, and are now there in the head of the rebels; or that if upon their re-examination, they do not find particular evidence to prove that assertion, (as his maj. is confident they never can) as this affirmation, which may reflect upon his maj. is very public; so they will publish such a declaration, whereby that mistake may be discovered; his maj. being the more tender in that particular, which hath reference to Ireland, as being most assured that he hath been, and is, from his soul, resolved to discharge his duty, which God will require at his hands, for the relief of his poor Protestant subjects there, and the utter rooting out that Rebellion; so that service hath not suffered any, but necessary delays by any act of his majesty's, for the want of any thing proposed to his maj. or within his majesty's power to do.—For the persons named in the Answer, his majesty saith, That col. Butler, and the son of the lord Nettersfield, obtained his warrants for their passage into Ireland, at his majesty's being in Scotland, which was long, as his maj. thinks, before the Order of both houses: His maj. knowing the former of them to be one who hath always made professions to his service, and to be uncle to the Earl of Ormond, of whose affection to the Protestant religion, and his majesty's service, his maj. hath great cause to be assured: and the latter being a person of whom at that time, there was no suspicion to his majesty's knowledge: For the others, it may be they have obtained warrants from his maj. since the said Order; but his maj. assures the parliament, that he had no intimation of such an order, till after stay made of sir Geo. Hamilton, who was the last that had any licence from his maj. to pass for Ireland.—And his majesty having, since his Answer from the house of commons, used all possible means, by the examining his own memory, and the notes of his secretaries, to find what warrants have been granted by him, and to what persons, doth not find that he hath granted any to any Irish, but those who are named by the house of commons; and, in Dec. last, to the earl of St. Albans and two of his servants, and to one Walter Terrel, a poor man; they being such as his maj. is assured are not with the rebels, and much less chief commanders over them. And though it may be the persons named by the house of commons are Papists, yet his maj. at that time thought it not fit, in respect of their alliance in that kingdom to such persons of great power, of whom his maj. hoped well, to discover any suspicion of them; the lords justices having de-

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clared by their letters, which letters were not disapproved of by the parliament here, that they were so far from owning a public Jealousy of all Papists there, that they had thought fit to put arms into the hands of divers noblemen of the pale of that religion, who made profession to his majesty's service and desired the same: And since so great a trust reposed in some of the lords of that religion was not disapproved by the parliament here, his maj. could not imagine it unsafe or unfit for him to give licences to some few to pass into that kingdom, who, though Papists, professed due allegiance and loyalty to his majesty.—And therefore, unless the first affirmation of the house of commons can be made good by some particulars, his maj. doth not know that his ministers have failed in their diligence and faithfulness to his maj. in this point, or that his honour hath suffered so much by any act of his own, as that it needs be vindicated for the time past by any other way than such a Declaration, which he expects from this house, as in duty and justice due to his majesty."

The King's Letter to the Earl of Berkshire for his attendance in Parliament.] Feb. 25. The earl of Berkshire signified to the lords, That he had received an extraordinary Letter from the King, which was read in these words:

"C. R. Right trusty, &c. we greet you well: As we have been graciously pleased, at your request had for your private occasions, by our former letter, to dispense with your present attendance in parliament; so now as there are likely to be treated there affairs much importing the public peace and good of our kingdom, we have thought good, by these our letters, to desire you to repair forthwith to London, and not fail to give your personal attendance in parliament: For, as we know your own good affections to the public, will incline you to be careful to prefer that before your own private ease, so we assure you we shall take it as a testimony of your good affections to us, on whom the care of the parliament doth immediately depend. Given at our Court at Dover, Feb. 23, 1641."

Several lords affirming that they had received Letters from the king to the same effect, the house was put into a committee, to consider what ill counsels had been given to the king: who had gone about to extend the king's prerogative beyond its ancient bounds; who were the authors and procurers of monopolies; and likewise who gave counsel for the breach of the pacification with the Scots, which had cost the kingdom 5 millions; besides many other mischiefs and inconveniences that happened thereupon. But nothing being resolved on, at this time, the house was resumed; and thus this matter ended.

Articles of Impeachment against lord Digby.] Feb. 26. The commons, at a conference this day, exhibited the following Articles against lord Digby, which were sent up by sir John Evelyn.

I. "That the said lord Digby, in or about the month of Jan. 1641, maliciously and traiterously endeavoured to persuade the king to levy forces against his liege subjects within this kingdom; and actually did, in or about the said month, levy forces within this realm, to the terror of his majesty's subjects. II. That the said lord D. in or about the same month, and at other times, falsely, maliciously, and traiterously laboured to raise a jealousy and dissention between the king and his people, and to possess his majesty that he could not live with safety of his person amongst them; and did thereupon, traiterously endeavour to persuade his majesty to betake himself to some place of strength for his defence. III. That the said lord D. about the time aforementioned, did maliciously and traiterously endeavour to stir up jealousies and dissentions between the king and parliament; and, to that end and purpose, did wickedly advise the framing of certain false and scandalous Articles of High Treason against the lord Kimbolton, Denzil Hollis, esq. &c. and did persuade his majesty, accompanied with divers soldiers and others, in warlike manner, to come in person into the house of commons, and demand the said members of the said house then sitting; to the apparent danger of his majesty's person, and in high violation of the privileges and being of parliament. All which matters were done by the said George lord Digby traiterously, &c. for which the commons do impeach him of High Treason, &c."—In support of this accusation,

Sir *John Evelyn* spoke to this effect:—"That this was a heavy accusation, and such a one as needed rather pity than aggravation: that a noble gentleman, as he was, should fall into so foul a crime as to study the destruction of his country. In the house of commons they observed him to appear much for his country, till he had dived into the secrets of that house: soon after which he fell into ill discourses and bitter railings against that house; as in a speech of his, touching the earl of Strafford, wherein he involved the commons, your lordships, and the king, in wilful murder. Being questioned for it, he fled from that house and came to yours, where we found him the same way there. That the lord Digby had said 'This was no free parliament;' not long after followed that high breach of parliament, in which time he was observed to be a diligent attendant on the courts of the king and queen. After that plot was discovered, the king retired to Hampton Court, and there we found him tampering with the soldiers, saying, 'The king went out of town only to save them from being trampled in the dirt,' and by offering money to the soldiers for doing the worst service that ever was done to the king. After this he endeavoured to 'list men, getting names, offering himself and all he could for that purpose; the particulars whereof they will make appear to your lordships by proof. That nobleness and honour that hath promoted your lordships to stand so long in the gap, for the good

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of the state, will easily suggest what he deserveth that would destroy it. He that will not omit to sow jealousies between the king and people, deserveth ill; but he that will foster and nourish them, the state will spue him out, they cannot digest him. He concluded with saying, they would, by proof, make good the Articles now exhibited to their lordships."

Message to the King about removing the Prince.] Feb. 28. The king, on his return from seeing the queen embarked for Holland, having sent to command the prince of Wales to meet him at Greenwich on the 26th; his governor, the marquis of Hertford, being then sick, could not attend him thither, but sent to acquaint the two houses with it: upon which they dispatched the following Message to the king; and the Answer to it was read in the house of lords on this day. The Message was as follows:

"The lords and commons, in parliament, humbly desire his majesty, that the Prince may not be removed from Hampton-Court; and that for these ensuing reasons: 1. They conceive that his majesty had resolved, that the Prince should stay at Hampton-Court until his majesty's return. 2. That the lord marquis of Hertford, appointed by his majesty to be governor of the prince, and approved of and commanded by the parliament to give his personal attendance upon his highness, is now so indisposed in his health, that he is not able to attend the prince in any other place. 3. That the prince's removal, at this time, from Hampton-Court, may be a cause to promote jealousies and fears in the hearts of his majesty's good subjects, which they conceive very necessary to avoid."

The King's Answer.] The King's Answer was as follows: "1. That his majesty intended, at his remove from Hampton-Court with his royal consort, the queen, towards Dover, that the Prince his son should stay at Hampton Court till his majesty returned to some of his houses; and thereupon, as soon as his majesty resolved upon a certain day to be at Greenwich, he commanded that his son should attend him there, which was no way contrary to his former intention. 2. That his maj. was very sorry to hear of the indisposition of the marquis of Hertford, being the person upon whom he principally relies for the care of his dearest son: but, if that indisposition should have lasted, his majesty could no way think fit that his want of health should have hindered the prince from waiting upon his maj. according to his command; and therefore would have been much offended if the prince had failed of meeting his majesty, according to his appointment. 3. To the fears and jealousies, his maj. knows not what Answer to give, not being able to imagine from what grounds they proceed; but if any information hath been given to that purpose, his maj. much desires that the same may be examined to the bottom; and then he hopes that their fears and jealousies will be hereafter continued only with reference to his majesty's rights and honour."

The King's final Answer concerning the Militia.] The same day the lord keeper delivered the King's Answer concerning the Ordinance about the Militia, which was read in these words:

"His majesty having, with his best care and understanding, perused and considered that which was sent him from both houses, for the ordering of the Militia, presented unto him to be made an Ordinance of Parliament, by the giving of his royal assent; as he can by no means do it, for the reasons hereafter mentioned, so he doth not conceive himself obliged, by any promise made in his Answer of the 2nd of this month, to the Petition of both houses, to yield to the same.—His majesty finds great cause to except against the preface or introduction to that Order, which avoweth a most dangerous and desperate design upon the house of commons of late, supposed to be an effect of the bloody counsels of Papists, and other ill-affected persons; by which many may understand (looking upon other printed papers to that purpose) his coming in person to the house of commons on the 4th of Jan. which begot so unhappy a misunderstanding between the king and his people: and for that, though he believes it, upon the information since given him, to be an apparent Breach of their Privilege; and hath offered, and is ready, to repair the same for the future, by any act that shall be desired of his maj.; yet he must declare and require to be believed, that he had no other design upon that house, or any member of it, than to require, as he did, the persons of those 5 gentlemen his maj. had the day before accused of high treason; and to declare that he meant to proceed against them legally and speedily, upon which he believed that house would have delivered them up: and his maj. calls the Almighty God to witness, that he was so far from any intention or thought of force or violence, although that house had not delivered them according to his demand, or in any case whatsoever, that he gave those his servants, and others, who then waited on his maj. express charge and command that they should give no offence to any man; nay they received any provocation or injury, that they should bear it without return. And his majesty neither saw or knew that any person of his train had any other weapons, but his pensioners and guards those with which they usually attend his person to parliament, and the other gentlemen swords: and therefore his maj. doubts not but his parliament will be so regardful of his honour herein, that he shall not undergo any imputation by the rash or indiscreet expressions of any young men then in his train; or by any desperate words uttered by others, who might mingle with them, without his consent or approbation.—For the persons nominated to be Lieutenants of the several Counties of England and Wales, his maj. is contented to allow that recommendation; only

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concerning the city of London, and such other corporations as, by antient charters, have granted unto them the power of the Militia, his maj. doth not conceive that it can stand with justice or policy to alter their government in that particular. And his maj. is willing, forthwith, to grant every of them (that of London and those other corporations excepted) such commissions as he hath done, this parliament, to some lord lieutenants, by your advice: but if that power be not thought enough, but that more shall be thought fit to be granted to these persons named, than by the law is in the crown itself; his maj. holds it reasonable that the same be, by some law, first vested in him, with power to transfer it to these persons, which he will willingly do; and whatever that power shall be, to avoid all future doubts and questions, his maj. desires it may be digested into an act of parliament rather than an Ordinance; so that all his loving subjects may thereby particularly know, both what they are to do, and what they are to suffer for their neglect, that there be not the least latitude for his good subjects to suffer under any arbitrary power whatsoever.—As to the time desired for the continuance of the powers to be granted, his maj. giveth this Answer, That he cannot consent to divest himself of the just power which God and the laws of this kingdom have placed in him for the defence of his people, and to put into the hands of others for any indefinite time. And since the ground of this request, from his parliament, was to secure their present fears and jealousies, that they might, with safety, apply themselves to the matter of his Message of the 20th of Jan.; his majesty hopeth that his grace to them since that time, in yielding to so many of their desires, and in agreeing to the persons now recommended to him by his parliament, and the power before expressed to be placed in them, will wholly dispel those fears and jealousies; and assureth them, that as his maj. hath now applied this unusual remedy to their doubts, so, if there shall be cause, he will continue the same to such time as shall be agreeable to the same care he now expresseth towards them.—And, in this Answer, his majesty is so far from receding from any thing he promised, or intended to grant, in his Answer to the former Petition, that his majesty hath hereby consented to all which was then asked of him by that Petition concerning the Militia of the kingdom, (except that of London and those other corporations) which was to put the same into the hands of such persons as should be recommended unto him by both houses of parliament: and his majesty doubts not but the parliament, upon well weighing the particulars of this his Answer, will find the same more satisfactory to their ends, and the peace and welfare of all his good subjects, than the way proposed by this intended Ordinance; to which, for these reasons, his majesty cannot consent.—And whereas his majesty observes, by the Petition of both houses, presented unto him by the earl of Portland, sir Tho. Heale, and sir Wm. Savile, That, in some places, some persons begin already to intermeddle of themselves with the Militia; his majesty expecteth that his parliament should examine the particulars thereof, it being a matter of high concernment and very great consequence. And his majesty requiroth, that if it shall appear to his parliament, that any persons whatsoever have presumed to command the Militia, without lawful authority, they may be proceeded against according to law."

Both Houses vote the King's Answer a direct Denial.] The lords, taking the King's Answer to be a matter of the greatest concernment, sent it down immediately to the commons; and withal ordered, That they would adjourn till 2 that afternoon, to wait the Resolutions of that house upon it. Accordingly a message was sent from the commons to desire a conference, the report of which was made to the lords to this effect:

"Some Votes of the house of commons were read, upon the king's last Answer: 1. 'Resolved, upon the question, by the house of commons, That this Answer from his majesty is a direct Denial to the desires of both houses concerning the Militia. 2. That those who advised his majesty to give this Answer, are enemies to the state, and mischievous projectors against the safety of the king and peace of this kingdom. 3. That this Denial is of that dangerous consequence, that if his majesty should persist in it, it will hazard the peace and safety of all his kingdoms; unless some speedy remedy be applied, by the wisdom and authority of both houses of parliament. 4. That such parts of this kingdom, as have put themselves into a posture of defence against the common danger, have done nothing but what is justifiable, and is approved of by this house. 5. That if his majesty shall remove into any remote parts from his parliament, it will be a great hazard to the kingdom, and a great prejudice to the proceedings of parliament. 6. That this house holds it necessary that his majesty should be desired, that the Prince may come to St. James's, or to some other convenient place near about London, and there to continue. 7. That the lords be desired to join with this house, in an humble address unto his majesty, that he will be pleased to reside near his parliament, that both houses may have a conveniency of access unto him on all occasions. 8. That the lords be moved to join with them, in a full course of examination, to find out the persons who gave his majesty this advice, that they may be removed from him, and brought to condign punishment. 9. That no charter can be granted by the king, to create a power in any corporation over the Militia of that place, without consent of parliament. 10. That the lords shall be desired to appoint a select committee, that they may join with another of a proportionable number of the commons, to prepare what is fit further to be done upon these votes, or upon any thing else that may

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arise upon these Answers of the king's concerning the Militia or the Prince." The lords agreed with the commons in all these votes; and appointed a select committee of their house accordingly.

Declaration that both Houses will dispose of the Militia without the King.] March 1. This day the said committee brought in a draught of a Declaration to the King, on the foregoing Answer concerning the Militia; which was read in hæc verba:

"Most Gracious Sovereign; Your majesty's most loyal and obedient subjects, the lords and commons in parliament, do find their just apprehensions of sorrow and fear, in respect of the public dangers and miseries like to fall upon your majesty and the kingdom, to be much encreased, upon the receipt of your unexpected denial of their most humble and necessary Petition, concerning the Militia of the kingdom; especially grieving, that wicked and mischievous counsellors should still have that power with your majesty, as, in this time of imminent and approaching ruin, rather to incline your resolutions to that which is apt to further the accomplishment of the desires of the most malignant enemies of God's true religion, and of the peace and safety of yourself and your kingdom, than to the dutiful and faithful counsel of your parliament.—Wherefore they are inforced, in all humility, to protest, That if your maj. shall persist in that denial, the dangers and distempers of the kingdom are such as will endure no longer delay: but unless you shall be graciously pleased to assure them, by these messengers, that you will speedily apply your royal assent to the satisfaction of their former desires, they shall be enforced, for the safety of your maj. and your kingdoms, to dispose of the Militia by the authority of both houses, in such manner as hath been propounded to your maj.; and they resolve to do it accordingly.—They likewise most humbly beseech your maj. to believe, That the dangerous and desperate design upon the house of commons, mentioned in their preamble, was not inserted with any intention to cast the least aspersion upon your majesty; but therein they reflected upon that malignant party, of whose bloody and malicious practices they have had so often experience, and from which they can never be secure, unless your maj. will be pleased to put from you those wicked and unfaithful counsellors, who interpose their own corrupt and malicious designs betwixt your majesty's goodness and wisdom, and the prosperity and contentment of yourself and of your people: and that for the dispatch of the great affairs of the kingdom, the safety of your person, the protection and comfort of your subjects, you will be pleased to continue your abode near to London and the parliament, and not to withdraw yourself to any other remoter parts; which if your maj. should do, must needs be a cause of great danger and distraction.—That your maj. will likewise be graciously pleased to continue the Prince's highness in these parts, at St. James's or any other of your houses near London; whereby the designs which the enemies of the religion and peace of this kingdom may have upon his person, and the jealousies and fears of your people may be prevented.—And they beseech your maj. to be informed by them, That, by the laws of the kingdom, the power of raising, ordering, and disposing the Militia, within any city, town, or other place, cannot be granted to any corporation by charter, or otherwise, without the authority and consent of parliament; and that those parts of the kingdom, which have put themselves in a posture of defence against the common danger, have therein done nothing, but according to the declaration and direction of both houses, and what is justifible by all the laws of this kingdom.—All which their most humble counsel and desires they pray your maj. to accept, as the effect of that duty and allegiance which they owe unto you, and which will not suffer them to admit of any thoughts, intentions, or endeavours, but such as are necessary and advantageous for your majesty's greatness and honour, and the safety and prosperity of the kingdom, according to that trust and power which the laws have reposed in them."

The King's Reply, resolving to abide by his last Answer.] March 2. The aforesaid declaration having been presented to the king, at Theobalds, his majesty returned the following Answer:

"I am so much amazed at this Message, that I know not what to answer. You speak of jealousies and fears: lay your hands to your hearts, and ask yourselves, whether I may not likewise be disturbed with fears and jealousies: and if so, I assure you this Message hath nothing lessened them. For the Militia; I thought so much of it before I sent that Answer, and am so much assured that the Answer is agreeable to what, in justice or reason, you can ask, or I in honour grant, that I shall not alter it in any point. For my residence near you; I wish it might be so safe and honourable, that I had no cause to absent myself from Whitehall; ask yourselves whether I have not. For my Son; I shall take that care of him, which shall justify me to God as a father, and to my dominions as a king. To conclude: I assure you, upon my honour, that I have no thought but of peace and justice to my people, which I shall, by all fair means, seek to preserve and maintain; relying upon the goodness and providence of God, for the preservation of myself and rights."

The Parliament insist upon their Declaration, and resolve to put the Kingdom into a Posture of Defence, &c.] This Answer being made known to both houses, the commons sent up to desire a conference about it; the report of which was, That the commons had considered much of it, and did still think it fit that their Message to the king should be insisted on. They offered, also, the following Resolutions which their house had made, and desired their lordships concurrence: "Resolved,

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by the house of commons, on the question, 1. That the Kingdom be forthwith put into a Posture of Defence, by authority of parliament, in such a way as is already agreed on by both houses. 2. That a committee be appointed to prepare a Declaration upon these two heads: 1st, To lay down the just causes of the fears and jealousies given to this house, and to clear this house from any jealousies conceived against it. 2nd, To consider of all matters that may arise on this Message, and to declare their opinions what is fit to be done upon it."

The lords taking these Resolutions into consideration, after a serious debate, agreed to the first; whereupon the following lords entered their Dissent against it: viz. the earls of Lindsey, Bath, Southampton, Northampton, Monmouth, Cleveland, Portland, and lords Mowbray, Willoughby de Eresby, Grey, Dunsmore, Seymour and Capel.—The second Resolution was wholly agreed to; after which both houses adjourned to the 4th, to give time for their joint committee to meet at Merchant-Taylors Hall, and prepare matters accordingly.

March 4. A bill had been sent up by the commons intitled, 'An Act for the clearing and vindicating of the lord Kimbolton, and the five Members, from a late feigned Charge or accusation, of High Treason;' which was read a second time this day by the lords, and committed.

The Bishop of Litchfield and Coventry's Defence, at the Bar of the Commons.] The bill against the 12 Bishops being now depending in the house of commons, an order was made, That they should be heard by themselves, or by petition, at the bar of that house, this day. The bishops of Durham, and Litchfield and Coventry appeared there, and spoke in their own defence. The speech of the latter * was published at that time, and is still preserved in our Collections; which we give here as follows: †

"Mr. Speaker; As it hath been ever my fashion, and in truth it is my disposition, to endeavour, at the least, to give satisfaction to every man, even to the meanest, that hath had any sinister conceptions of me, be it scandalum datum, or acceptum; so hath it been my ambition, and I have sought it with affection, as to all men, so much more to this hon. assembly, especially concerning the late Petition and Protestation exhibited unto his sacred majesty, and the lords and peers in parliament. But, in the first place, Mr. Speaker, I am, as it becomes me, to give most hearty and condign thanks to the noble knights, citizens, and burgesses, of this hon. house of commons; for that they have been pleased, by a general vote, and I hope unanimous, to give me leave to speak for myself; and to lay open the truth of my cause, concerning the said Petition and Protestation before them.—And now, Mr. Speaker, to address myself to the business; whereof I shall not speak as a lawyer, for I have no head for law; neither shall I need to touch upon any point thereof, as a flourishing orator desirous to hear himself speak: I have long since laid aside my books of rhetorick; my desire is, Mr. Speaker, to tread in the steps of an old divine, of whom Sozomen writes in his Ecclesiastical History: who, groaning under the like heavy burden and accusation as I do, chose rather to vent his own sense, and express the truth of his cause in plain language, than to colour or cloak falsehood; or to extenuate his offence, by forced, trapped, and new varnished eloquence: And to that purpose my conceptions and narration shall stand only upon two feet, Negation and Affirmation.—There are some things that I must deny, and yet justly; somewhat I must affirm, and that I shall do ingenuously and fully.—First, for the Negative: I never framed, made nor contrived, compiled or preferred, any such Petition or Protestation; I never was at any meeting, consultation or conference, about any such business; nay, I never heard of any intention, much less execution of any such thing, until it was the Wednesday in Christmas, being the 29th of Dec.; at which time it was brought unto my house in Covent Garden, being betwixt 6 and 7 at night, (subscribed by some of my brethren) with a request, that I would subscribe suddenly also.—Now, for the Affirmative: presuming that so learned, grave, and wise men, well versed in matters of that nature, would not have attempted any such thing, without good counsel, to the endangering of themselves and their brethren, and to the distaste of the lords; and that all the rest of the bishops, in and about the city of London and Westminster, should subscribe thereunto; and that it should not be preferred, without the approbation and mature deliberation of good counsel, and of us all, I made one; and set my hand thereto, which I do now acknowledge, and never yet denied; nay, the first time that I came to the bar in the lords house, I acknowledged that my hand was to it; and divers of this hon. presence heard it so read unto them, out of the Journal of the lords house.—Now, Mr. Speaker, if these my deceived and deceiving thoughts (to use St. Bernard's phrase) have led me into an error, the error is either 'ex ignorantia juris,' an unskilfulness in the law, or 'debilitate judicii,' a weakness of my apprehension; else 'ex nimia credulitate,' out of my too much confidence in others; not of any prepensed malice, or out of a spirit of contradiction, as the Lord knoweth. The schoolmen tell me, that 'duo sunt in omni peccato,' there is 'actio et malitia actionis;' I own the action, the subscription is mine; but that there was any malice in the action (to cross any vote, at which I was not present) I utterly disavow.—And therefore, Mr. Speaker, I shall become an humble suitor, that I may recommend three most humble requests, or mo-

* Dr. Robert Wright. He died in 1642. Le Neve's Fasti.

† Printed by Rd. Lownds, without Ludgate, 1641.

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tions, to this hon. house.—This first motion is, That you would be pleased to tread in the steps of Constantine the Christian emperor, who had ever this resolution, That if he should see sacerdotem peccantem, an offending divine, he would rather cast his purple garment upon him, than reveal the offence, for the Gospel's sake of Christ.—My second motion is, That if my subscription shall make me a delinquent, and worthy of any censure, that then the censure may not exceed, but, at the highest, be proportionable to the offence. The third and last motion is, That that of Plautus (after my 58 years painful, constant, and successful preaching of the Gospel of Christ, in the kingdom of England, and in foreign parts) may not be verified of me, 'Si quid bene feceris, levior pluma est gratia; si quid mali feceris, plumbeas iras gerunt.'—And now, Mr. Speaker, I might here tender divers motions to the consideration of this hon. house, for favourable construction of my rash subscription, I may say commiseration; yet all without ostentation, that is far from me; but rather for the consolation of my perplexed soul; for the great affliction, restraint and disgrace, which I have long sustained; (which is far greater than ever I endured before, and transcends the dangers and jeopardies of the seas, and the miseries of the wars, whereof I have had my share) and partly for the vindication of my former reputation, calling, and profession; which is now so clouded, eclipsed, and blackened in the eyes of the world, and scandalized in the mouths of the vulgar multitude; that, without reparation, and restoration to my former esteem, I shall never have heart to shew my face in the pulpit any more, wherein I have wished to end my days.—But I wave all these, because I will not detain you from other occasions of greater importance; and desire my ways may be made known unto you, rather by inquisition, than my own relation; only I shall appeal to the noble knights, citizens, and burgesses of the diocese where I now live; and of the other wherein formerly I did live, as namely the honourable city of Bristol; which I can never name without that title, not only in respect of their piety, unity, and conformity, but also in respect of their love, kindness, and extraordinary bounty unto me. I appeal to them for their testimonies, and knowledge of my courses amongst them: nay, I appeal to the records of that hon. house, where, I am confident, after 16 months sitting, there is nothing found that can trench upon me, neither, I hope, will nor may be.—And therefore my humble suit is for expedition, if you intend accusation; or rather for your mediation, that I may speedily return to my own home and cure, 'to redeem the time because the days are evil,' as the Apostle speaks; and to regain the esteem and reputation which I was long in getting, and long enjoyed, but lost in a moment; for if I should out live (I say not my bishoprick, but) my credit, my grey hairs and many years would soon be 'brought with sorrow to the grave.'—I have done, Mr. Speaker; and there remains nothing now but that I become a petitioner unto Almighty God, that he will be pleased to bestow upon you all the patriarch's blessing, even the dew of Heaven, and the fatness of the earth: and I end with that of St. Jude, 'Mercy, peace, and love be multiplied unto you;' I say again, with a religious and affectionate heart, 'Mercy, peace, and love be multiplied unto you."

The Ordinance for settling the Militia passed by Parliament, without the King.] March 5. The Ordinance concerning the Militia was again read by the lords, and the king's name and authority wholly left out of it. Hereupon one of the lords starting a doubt, That it was a scruple to his conscience whether this Ordinance doth not intrench upon the oath of allegiance? That oath was read, and it was resolved, nem. con. "That the passing of this Ordinance, now read, is not any way against the oath of allegiance." Then it was resolved, "That this Ordinance of the lords and commons in parliament, for the safety of the kingdom of England and dominion of Wales, shall pass*." The last mentioned peers, with the earl of Devon, the lords Rich. Howard de Charlton, and Savile, dissenting.

To strengthen this Ordinance, some Resolutions of the commons were read and agreed to by the lords, viz. That the several commissions, granted under the great seal, for lieutenancies of counties, were illegal and void: that such commissions should be all called in and cancelled: that whosoever shall execute any such power again, without the consent of parliament, shall be accounted a disturber of the peace of the kingdom. The earl of Southampton, with the lords Mowbray, Howard, and Seymour dissenting.

The house of commons sent up the form of a Declaration to be presented to the king, to which they desired their lordships concurrence. The same being read, the debate of it was put off till the 7th, and, in the mean time, a conference was desired with the commons, to know of them what proofs can be offered to satisfy such lords who doubt the truth of some particulars in the said Declaration.

The Declaration of both Houses, setting forth the Causes of their Fears and Jealousies.] March 7. This day the aforesaid conference was held; and, after it, the Declaration was again read in the house of lords, as follows:

"May it please your Majesty; Although the expressions in your majesty's Message, of the

* The Ordinance at large, as passed by both houses, we purposely omit, it being the same as the draught before given at p. 1081, excepting the omission of the king's name and authority throughout, and the filling up the Blanks of the Lieutenancies with the Names of the same persons whom the commons had recommended to the king; a List of whom are to be found at p. 1082.

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2nd of this instant March, do give just cause of sorrow to your faithful subjects, the lords and commons in parliament; yet it is not without some mixture of confidence and hope, considering they proceeded from the mis-apprehension of our actions and intentions; which, having no ground of truth or reality, may, by your majesty's justice and wisdom, be removed, when your maj. shall be fully informed that those Fears and Jealousies of ours, which your maj. thinks to be causeless, and without any just ground, do necessarily and clearly arise from those dangers and distempers, into which the mischievous and evil counsels about you have brought this kingdom; and that those other Fears and Jealousies, by which your favour, your royal presence and confidence, have been withdrawn from your parliament, have no foundation or subsistence in any action, intention, or miscarriage of ours; but are merely grounded upon the falsehood and malice of those, who, for the supporting and fomenting their own wicked designs against the religion and peace of the kingdom, do seek to deprive your maj. of the strength and affection of your people, and them of your grace and protection; thereby to subject both your royal person and the whole kingdom to ruin and destruction.—To satisfy your majesty's judgment and conscience in both these points, we desire to make a clear and free Declaration of the Causes of our Fears and Jealousies, which we offer to your majesty, in these particulars: 1. That the design of altering Religion in this, and in your other kingdoms, hath been potently carried on by those in greatest authority about you for divers years together; the queen's agent at Rome, and the Pope's agent or nuncio here, are not only evidences of this design, but have been great actors in it. 2. That the War with Scotland was procured to make way for this intent, and chiefly invited and fomented by the Papists, and others popishly affected; whereof we have many evidences, especially their free and general contribution to it. 3. That the Rebellion in Ireland was framed and contrived here in England, and that the English Papists should have risen about the same time, we have several testimonies and advertisements from Ireland; and that it is a common speech amongst the rebels, (wherewith concur other evidences and observations of the suspicious meetings and consultations; the tumultuary and seditious carriage of those of that religion in divers parts of this kingdom, about the time of the breaking out of the Irish rebellion; the deposition of O'Connelly; the information of Mr. Cole, minister; the letter of Tristram Whitecombe; the deposition of Tho. Grant, and many others which we may produce, do all agree in this) and the public Declaration of the lords, gentlemen, and others of the Pale, that they would join with the rebels, whom they call the Irish army, or any other, to recover unto his majesty his royal prerogative, wrested from him by the Puritan faction in the houses of parliament in England; and to maintain the same against all others; as also to maintain episcopal jurisdiction, and the lawfulness thereof: these two being the quarrels, upon which his majesty's late army in the North should have been incensed against us.—The great cause we have to fear that the late design, stiled 'The Queen's pious Intention,' was for the alteration of religion in this kingdom; for success whereof the Pope's nuncio, the count Rosetti, injoined fasting and praying to be observed every week by the English Papists; which appeared to us by one of the original letters, directed, by him, to a priest in Lancashire. The boldness of the Irish rebels, in affirming they do nothing but by authority from the king; that they call themselves the Queen's Army; that the prey or booty which they take from the English, they mark with the queen's mark; that their purpose was to come to England, after they had done in Ireland; and sundry other things of this kind, proved by O'Connelly, and divers others, especially in the fore-mentioned Letter from T. Whitecombe, the mayor of Kinsale, to his brother Benj. Whitecombe, wherein there is this passage, 'That many other strange speeches they utter, about religion, and our court of England, which he dares not commit to paper.' The manifold attempts to provoke your majesty's late army, and the army of the Scots, and to raise a faction in the city of London and other parts of this kingdom; that those, who have been actors in those businesses, have had their dependance, their countenance, and encouragement from the court: witness the treason whereof Mr. Jermin, and others, stand accused, who were transported beyond sea, by warrant under your majesty's hand, after your maj. had given assurance to your parliament, that you maj. had laid a strict command upon all your servants, that none of them should depart from court; and that dangerous Petition, delivered to captain Legge by your majesty's own hand, accompanied with a direction, signed with C. R.* The false and scandalous Accusation against the lord Kimbolton, and the five Members of the house of commons, tendered to the parliament by your majesty's own command; endeavoured to be justified in the city, by your own presence and persuasion; and to be put in execution upon their persons, by your majesty's demand of them in the house of commons, in so terrible and violent a manner, as far exceeded all former breaches of privileges of parliament, acted by your maj. or any of your predecessors: and whatsoever your own intentions were, divers bloody and desperate persons, which attended your majesty, discovered their affections and resolutions to have massacred and destroyed the members of that house; if the absence of those persons accused had not, by God's providence, stopped the giving of that

* Lord Clarendon gives a very particular account of this affair of captain Legge. Vol. i. p. 192. fol. edit.

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word which they expected, for the setting them upon that barbarous and bloody act: the listing of so many officers, soldiers, and others; putting them into pay, and under command of colonels; feasting and caressing them in an unusual manner, at Whitehall; thereby maintaining them in the violent assaults, and other injuries, which they offered to divers of your subjects, coming that way in a lawful and peaceable manner; the carrying them out of town: after which they were told by lord Digby, 'That the king removed on purpose, that they might not be trampled in the dirt;' and keeping them so long in pay; endeavouring to engage the gentlemen of the Inns of Court in the same course; the plotting and designing of a perpetual Guard about your majesty; the labouring to infuse into your majesty's subjects an evil opinion of the parliament, through the whole kingdom; and other symptoms of a disposition of raising arms, and dividing your people by a civil war; in which combustion Ireland must needs be lost, and this kingdom miserably wasted and consumed, if not wholly ruined and destroyed.—That after a vote had passed in the house of commons, (declaring, That the lord Digby had appeared in a warlike manner, at Kingston-upon-Thames, to the terror and fright of your majesty's good subjects, and disturbance of the public peace of the kingdom; and that therefore the lords should be moved to require his attendance;) he should, nevertheless, be of that credit with your majesty, as to be sent away, by your own warrant, to sir John Pennington, to land him beyond the sea; from whence he vented his own traiterous conceptions, That your majesty should declare yourself, and retire to a place of strength in this kingdom, as if your majesty could not be safe among your people; and, withal, took that transcendent boldness to write to the queen, offering to entertain correspondence with her majesty by cyphers, intimating some service which he might do in those parts, for which he desired your majesty's instructions; whereby, in all probability, he intended the procuring of some foreign force, to strengthen your maj. in that condition into which he would have brought you; which false and malicious counsel and advice, we have great cause to doubt, made too deep an impression in your majesty; considering the course you are pleased to take, of absenting yourself from your parliament, and carrying the Prince with you; which seems to express a purpose in your majesty, to keep yourself in a readiness for the acting of it.—The manifold advertisements which we have had from Rome, Venice, Paris, and other parts, that they still expect that your maj. has some great design in hand, for the altering of religion, and breaking the neck of your parliament; that you will yet find means to compass that design; that the Pope's nuncio hath solicited the kings of France and Spain to lend your maj. 4000 men a-piece to help to maintain your royalty against the parliament: and this foreign force, as it is the most pernicious and malignant design of all the rest, so we hope it is, and shall always be, farthest from your majesty's thoughts; because no man can believe you will give up your people and kingdom to be spoiled by strangers, if you did not likewise intend to change both your own profession in religion, and the public profession of the kingdom; that so you might still be more assured of those foreign states of the Popish religion, for your future support and defence.*—These are some of the Grounds of our Fears and Jealousies, which made us, so earnestly, to implore your royal authority and protection for our defence and security, in all the ways of humility and submission; which being denied by your majesty, seduced by evil counsel, we do, with sorrow for the great and unavoidable misery and danger which thereby is like to fall upon your own person and your kingdoms, apply ourselves to the use of that power, for the security and defence of both, which, by the fundamental laws and constitutions of this kingdom, resides in us; yet still resolving to keep ourselves within the bounds of faithfulness and allegiance to your sacred person and your crown.—As to the second sort of Jealousies and Fears of us, expressed by your majesty, we shall give a shorter, but as true and as faithful an Answer. Whereas your majesty is pleased to say, 'That, for your residence near the parliament, you wish it might be so safe and honourable, that you had no cause to absent yourself from Whitehall.' This we take as the greatest breach of privilege of parliament that can be offered; as the heaviest misery to yourself, and imputation upon us, that can be imagined, and the most mischievous effects of evil counsels; it roots up the strongest foundation of the safety and honour which your crown affords; it seems, as much as may be, to cast upon the parliament such a charge as is inconsistent with the nature of that great council, being the body whereof your maj. is the head; it strikes at the very being both of king and parliament; depriving your majesty, in your own apprehension of their fidelity, and them of your protection, which are the mutual bands and supports of government and subjection.—We have, according to your maj.'s desire, laid our hands upon our hearts; we have asked ourselves in the strictest examination of our consciences; we have searched our affections, and our thoughts; considered our actions; and we find none that can give your maj. any just occasion to absent yourself from Whitehall and the parliament; but that you may, with more honour and safety, continue

* When this clause was read in the house of commons, sir Ralph Hopton told them, 'That they therein accused the king for being an apostate to his religion, not only in his own person, but of endeavouring to bring in his people to the same apostacy and idolatry;' for which the commons sent him to the Tower. But he was discharged a few days after.—Commons Journals.

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there than in any other place.—Your maj. lays a general tax upon us; yet if your maj. will be graciously pleased to let us know the particulars, we shall give a clear and satisfactory Answer: but what hope can we have of ever giving your maj. satisfaction, when those particulars which you have been made believe were true; yet, being produced and made known to us, appeared to be false; and your majesty, notwithstanding, will neither punish nor produce the authors, but go on to contract new Jealousies and Fears, upon general and uncertain grounds, affording us no means or possibility of particular answer to the clearing of ourselves; for proof whereof, we beseech your majesty to consider these instances: The Speeches alledged to be spoken in a meeting of divers members of both houses at Kensington, concerning a purpose of restraining the Queen and Prince; which after it was denied and disavowed, yet your maj. refused to name the authors, though humbly desired by both houses: The report of Articles framed against the queen's majesty, given out by some of near relation to the court; but when it was publickly and constantly disclaimed, the credit seemed to be withdrawn from it; but the authors being kept safe, will always be ready for exploits of the same kind; wherewith your maj. and the queen will be often troubled, if this course be taken to cherish and secure them in such wicked and malicious slanders: The heavy charge and accusation of the lord Kimbolton and the five members of the house of commons, who refused no trial or examination which might stand with the privilege of parliament; yet no authors, no witnesses produced, against whom they may have reparation for the great injury and infamy cast upon them; notwithstanding three several petitions of both houses, and the authority of two acts of parliament vouched in the last of those petitions.—We beseech your maj. to consider in what state you are, how easy and fair a way you have to happiness, honour, greatness, plenty, and security; if you will join with the parliament and your faithful subjects, in defence of the religion and public good of the kingdom: this is all we expect from you, and for this we shall return to you our lives, fortunes, and uttermost endeavours to support your maj. in your just sovereignty and power over us: but it is not words that can secure us in these our humble desires; we cannot but too well, and sorrowfully, remember what gracious Messages we had from you this summer, when, with your privity, the bringing up the army was in agitation; we cannot but, with the like affections, recall to our minds, how, not two days before you gave directions for the above-mentioned accusation, and your own coming to the commons house, that house received from your maj. a gracious Message, 'That you would always have the same care of their privileges, as of your own prerogative; of the safety of their persons, as of your own children:' That which we expect, and which will give us assurance that you have no thought but of peace and justice to your people, must be some real effect of your goodness to them, in granting those things which the present necessity of the kingdom doth inforce us to desire: and, in the first place, that your maj. will be graciously pleased to put from you those wicked and mischievous counsellors, which have caused all these dangers and distractions; and to continue your own residence, and the Prince's near London, and the parliament: This, we hope, will be a happy beginning of contentment and confidence betwixt your maj. and your people, and be followed with many succeeding blessings of honour and greatness to your majesty, and of security and prosperity to them."

This being read, a debate ensued, and the question being put, it was resolved, "That this house agrees with the house of commons in this Declaration, and that it be presented to the king." A committee of both houses being appointed accordingly, the following peers entered their names as dissenting to this vote: earl of Lindsey, lord great Chamberlain; the earls of Southampton, Northampton, Devon, and Cleveland; lords Mowbray, Willoughby de Eresby, Grey, Rich, Howard de Charlton, Savile, Dunsmore, Seymour, and Capell.

Additional Reasons in Support of the foregoing Declaration.] March 7. p. m. The lords received a message from the commons, desiring their lordships to sit a while, having some business to communicate to them of high importance. Soon after came Mr. Pym, and presented to the house some Reasons, which, he said, the commons think fit to be delivered to the king; either in writing, or by word of mouth, along with the Declaration. The Reasons were read in these words:

"The lords and commons have commanded us to present unto your majesty this further Addition to their former Declaration. That your majesty's return, and continuance near the parliament, is a matter, in their apprehension, of so great necessity and importance towards the preservation of your royal person and your kingdoms, that they cannot think they have discharged their duties in the single expression of their desire, unless they add some further Reasons to back it with. 1. Your majesty's absence will cause men to believe, that it is out of design to discourage the undertakers, and hinder the other provisions for raising money for defence of Ireland. 2. It will very much hearten the rebels there, and disaffected persons in this kingdom, as being an evidence and effect of the jealousy and division betwixt your maj. and your people. 3. That it will much weaken and withdraw the affection of the subject from your majesty, without which a prince is deprived of his chiefest strength and lustre, and left naked to the greatest dangers and miseries that can be imagined. 4. That it will invite and encourage the enemies of our religion, and the states in foreign parts, to the attempting and acting of

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their evil designs and intentions towards us. 5. That it causeth a great interruption in the proceedings of parliament.—These considerations threaten so great danger to your majesty's person, and to all your dominions, that, as your majesty's great council, they hold it necessary to represent to you this their faithful advice, that so, whatsoever followeth, they may be excused before God and man."

These Reasons were also voted by the lords to be presented at the same time with the Declaration.

Proceedings in the Trial of the Attorney General.] March 8. This day a Letter from the King, directed to the lord keeper was read, viz.

"C. R. Right trusty and well-beloved counsellor, we greet you well; We have thought good hereby to certify, that we did, on the 3rd of Jan. last, deliver unto our Attorney General certain Articles of Accusation, ingrossed in a Paper, (a copy whereof we have sent here inclosed) and did then command him, in our name, to acquaint our house of peers, that divers great and treasonable designs and practices against us and the state, had come to our knowledge; for which we did command him, in our name, to accuse the six persons, in the said paper mentioned, of high treason, and other high misdemeanors, by delivering the paper to the said house, &c. [as before recited.] We further declare, That our said Attorney did not advise or contrive the said Articles, nor had any thing to do with, or in, advising any Breach of Privilege that followed after; and for what he did, in obedience to our commands, we conceive he was bound by his oath and the duty of his place, and by the trust by us reposed in him, so to do; and had he refused to have obeyed us therein, we would have questioned him for the breach of his oath, duty, and trust: but now having declared, That we find cause wholly to desist from proceeding against the persons accused, we have commanded our Attorney to proceed no farther therein, nor to produce or discover any proofs concerning the same. Given at our Court at Royston, the 4th day of March, 1641."

The lords conceiving this letter to be a prelimiting the judgment of their house, ordered to proceed in the business against the Attorney General, now; and this Letter to be taken into consideration afterwards, as a matter of great consequence. A message was also sent to the commons, to inform them of the Letter, and that their lordships were ready to proceed against the Attorney General, if they would send a committee of their house to manage the evidence. Accordingly, the committee being come, the lord keeper told them they might begin their evidence; whereupon

Mr. Serjeant *Wylde*, one of them, said, "That they were appointed by the house of commons, to make good their Charge against sir Edw. Herbert, his majesty's Attorney General; a person of eminency in the common law, both eminent in place, and eminent in crime; the nature and deformity of which is set forth in the Impeachment, which he desired might be read. Then he observed, That his Charge was of 3 parts: 1. The advising and contriving of these foul Articles. 2. The publishing and exhibiting of them in this house. 3. The falsehood, scandal, malice, and other ingredients, mixed and incorporated so together, that they could no be more separated than blackness from the Æthiopian; or, if they could be separated, yet each of them was sufficient to call for judgment against Mr. Attorney.—He then mentioned the exhibiting of these Articles, Jan. 3, 1641. and they were read out of the Journal Book of that day. Also the king's Proclamation, reciting, That his Attorney General, by his majesty's command, had accused the 6 members of high treason in the house of lords. Likewise his majesty's Letters to Dover, and other ports, for the apprehending of them, reciting that they were accused by the Attorney General. Next he desired that Mr. Attorney's Answer might be read; wherein, he said, there was matter enough to condemn him: In which he confessed the exhibiting the paper of Articles, as a Message from his majesty, and by his command; on which it was recorded in the clerk's book; put into a course of proceeding; a committee appointed for examination of witnesses, under a command of secrecy; and a desire to the lords that their persons might be secured. These were the steps and degrees of his proceedings; but, in his Answer, he denies the advising and contriving of these Articles; and saith, That he was so far from that, that he knew nothing at all of them, till he received this command from his maj. for the exhibiting of them; being sent for, immediately before, by his maj. for that purpose. But this, he said, was so far from satisfaction to the commons, or qualification of the offence, that it aggravated and augmented it.—For the exhibiting and promoting of those Articles, is, in judgment of law, an evident demonstration of his contrivance of them: As, in the case of stolen Goods, the receipt and possession of them, is an evidence, to a jury of life and death, of the stealing of them, unless the party can shew how he came by them. In case of Trover and conversion of goods, though the denial of them, upon demand, be no conversion, in law, whereon to ground an action, upon Not guilty pleaded; it is a good evidence to a jury to find him guilty of the conversion. In case of a Libel, the finder and publisher shall be adjudged the author and contriver of it, unless he can produce some other author. So, in this case, the publishing and exhibiting of these Articles, by the attorney general, is a clear evidence that he contrived them; the one doth necessarily imply the other. The contriving, without the publishing, is but an inception of an offence; the publishing is the consummation of it, and therefore the more heinous. The publisher is the grand offender; he blows the coals and the trumpet. If it

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could be imagined that there was another author, or contriver of these, than Mr. Attorney, as he would pretend, yet the exhibiting and promoting of them is an offence so heavy, as needs no other additional weight to press him down to the ground; who, by such an act of injustice and false accusation, would so grievously have oppressed them. Mischiefs, hatched in the brain, are only mischievous to the inventor; but the vegetation and life is from the publisher; he gives motion and agitation to it, which, otherwise, would be but an abortive and inanimate creature.—But for the Excuse, under which he seeks to shelter himself, that is, the king's command, this adds more to his offence; a foul aspersion on his majesty, and wrong to his gracious master; for he could not but know that the king's command, in things illegal, is utterly frustrate, and of no effect: his patents and grants, if against the crown, in matter of interest, are merely void, quia in deceptione regis; if against the weal-public, they are, ipso jure, vacua; much more his command, in matters criminal, because no action lies against him.—The Serjeant, next, proceeded to cite several cases, from the Statute Books, &c. to prove that the Attorney General had broken all those laws, and infringed all those liberties; even the rights of parliament, by which no member of either house ought to be impeached, either for felony, treason, or other offences, without representing the cause first to that house whereof he is a member, and their consent and direction therein desired: for, otherwise, all members of each house may be pulled out, one after another, upon a pretence of treason; which, perhaps, he said, was now Mr. Attorney's design. Besides, he said, that the Attorney had done contrary to his oath, in this business; for he is sworn to the king, duly and truly to issue out the king's writs, and give the king true advice according to the law; which, in this action, he hath not done, contrary to his oath.—The Serjeant then said, That many aggravating circumstances might be added; as, the Attorney's profession and knowledge in the law; his long experience in the course and privileges of parliament, having been so often, and of late, a member of the house of commons, and obliged to them by many favours; and now an assistant or attendant in the house of lords: Then considering the qualities of the persons accused; their singular parts, integrity, and merit; their indefatigable labours and travail for the public good, which could not expect such a reward as this, the odious name of traitors: the woful and dangerous consequences that have, de facto, ensued upon this; for, by colour of these Articles, they were proclaimed, posted, sold up and down, for traitors; they were hunted and sought for by officers, demanded even from the horns of the altar; their studies, chambers, and trunks sealed up; the house of commons strongly besieged; their privileges strangely invaded; their last and uttermost hopes ready to be confounded. As these are beyond expression, so the consequences that might have happened are beyond imagination; bloodshed, horror, devastation, and confusion; all the evils, dangers, troubles, and distractions which have happened since, and what now the houses lie under, may be imputed to this act of Mr. Attorney. Had he stood in the gap, and humbly besought or advised the forbearance of this, or declined the doing of it, as in all equity he ought to have done, all these miseries had been prevented; and a happy reconciliation, in all likelihood, settled between his majesty and his people before this time. It remains, therefore, that he who, willingly, judicially, and upon record, hath contracted to himself the guilt of all these evils and calamities, should receive, from their lordships, such a measure of punishment as may make the fact more odious, and himself the mark of their exemplary justice to this and after ages."

Mr. Serjeant Wylde having made an end of this Charge, desired, That if Mr. Attorney would make any Answer to it, he might speak himself; but the attorney desired that his counsel might be heard for him: To this the Serjeant objected, and said, That they were a committee representing the house of commons, and it did not stand with the dignity of that house to have counsel come to confront them. He further alledged, That this offence of Mr. Attorney's had been voted, by both houses of parliament, an high Breach of the Privileges of Parliament, which no counsel can, neither ought they to judge of. And because it concerned the house of commons, in an high degree, in their privileges, as well as it did their lordships, he desired that Mr. Attorney might not be allowed counsel, but that he might speak for himself.—The Attorney replied, That their lordships had been pleased, upon his humble Petition, to assign him counsel in this cause; that his Answer is put in by their advice, and they are ready to maintain it; which if their lordships should not allow of, he was not provided to make a defence to his charge; therefore desired their lordships to hear him by his counsel, and the committee to take the judgment of the house upon it.—Hereupon both sides being commanded to withdraw, the lords put themselves into a committee, for the more free debate in this matter; it being a mixed case, consisting of breach of privilege of parliament, matter of fact, and matter of law. The house being resumed, the question was put, Whether Mr. Attorney should have counsel, in matter of privilege, in this case? and it was resolved in the affirmative. The committee of the commons, the Attorney and his counsel, being called in again, were told of this Resolution; and that their lordships had appointed to proceed further in this cause the next day.

March 9. The lords proceeded in the Attorney General's cause, and his counsel were told, that they were to begin with assisting him in his defence, upon their perils. The counsel

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craved their lordships pardon therein, for they came not now provided for his defence; because the business concerned the privilege of parliament, as was alledged yesterday. The lords not being satisfied with this Answer, directed the Attorney and his counsel to withdraw; and, upon consideration of it, it was ordered, 'That they should be commanded to give a direct Answer, severally, whether they would plead or not; and if they would not it should be taken as a denial.'—Being called in again, the lord keeper commanded them to proceed; when sir Thos. Beddingfield, one of the counsel, answered, He desired some time to prepare for it, not being now provided. Sir Thos. Gardiner, recorder of London, another counsel, answered in like manner. The rest of them said, That they were willing to plead now, at their lordships command, and thought it was their duty so to do; but the chief part of Mr. Attorney's Defence being committed to the aforesaid gentlemen, by that means they are not provided now, but desired some further time, as their lordships should please to appoint. On this, all being commanded to withdraw again, the lords considering the refusal of sir Thos. Beddingfield and sir Thos. Gardiner, to plead, as a contempt of that house, ordered them both to be committed to the Tower, there to remain during the pleasure of the house: and further ordered, "That if Mr. Attorney desire other counsel, in the room of the former, that he bring in the names of such as he desires, the next morning, for the better expediting of this cause."

March 10. The Attorney made his humble petition to the lords, That they would assign him Mr. Serj. Green, and Mr. Serj. Pheasant, as counsel in the room of the former two committed; which was granted, and the 12th instant was peremptorily appointed to proceed in that busines.

The King's Speech to the Committee, on their presenting the last Declaration to him, at Newmarket.] March 12. The lords appointed to present the parliament's Declaration to the king, reported, That they had done so at Newmarket, and that the next day they had received the following Answer:

"I am confident that you expect not I should give you a speedy Answer to this strange and unexpected Declaration; and I am sorry, in the distraction of this kingdom, you should think this way of address to be more convenient than that proposed by my Message, of the 20th of January last, to both houses. As concerning the Grounds of your Fears and Jealousies, I will take time to answer particularly, and doubt not but I shall do it to the satisfaction of all the world. God, in his good time, will, I hope, discover the secrets and bottoms of all plots and treasons, and then I shall stand right in the eyes of all my people. In the mean time, I must tell you, that I rather expected a vindication for the imputation laid on me in Mr. Pym's Speech, than that any more general rumours and discourses should get credit with you. For my Fears and Doubts I did not think they should have been thought so groundless or trivial, while so many seditious pamphlets and sermons are looked upon, and so great tumults are remembered, unpunished uninquired into: I still confess my fears, and call God to witness, that they are greater for the true Protestant profession, my people, and laws, than for my own rights or safety; though I must tell you, I conceive that none of these are free from danger. What would you have? Have I violated your laws? Have I denied to pass any one bill for the ease and security of my subjects? I do not ask you what you have done for me. Have any of my people been transported with fears and apprehensions? I have offered as free and general a pardon, as yourselves can devise. All this considered, there is a judgment from Heaven upon this nation, if these distractions continue. God so deal with me and mine, as all my thoughts and intentions are upright, for the maintenance of the true Protestant profession, and for the observation and preservation of the laws of this land; and, I hope, God will bless and assist those laws for my preservation. As for the Additional Declaration, you are to expect an Answer to it, when you shall receive the Answer to the Declaration itself."

Remarkable Passages on that Occasion.] A Narrative of some remarkable Passages that happened between the king and the committee of both houses, upon delivering the foregoing Declaration to his majesty, was published at this time as follows *: "When his majesty heard that part of the Declaration which mentioned Mr. Jermin's transportation, his majesty interrupted the earl of Holland in reading, and said, 'That's false.' Which being afterwards touched upon again, his majesty then said, 'Tis a lie.' And when he was informed, 'It related not to the date, but the execution of the warrant:' his majesty said, 'It might have been better expressed then, and that it was a high thing to tax a king with breach of promise.' As for this Declaration, his majesty said, 'I could not have believed the parliament would have sent me such a one, if I had not seen it brought by such persons of honour. I am sorry for the parliament, but glad I have it; for, by that, I doubt not to satisfy my people, though I am confident, the greater part is so already. Ye speak of ill counsels; but I am confident the parliament hath had worse informations than I have had counsels.' His majesty asking 'What he had denied the parliament?' The earl of Holland instanced that of the Militia: His majesty replied, 'That was no Bill:' The earl of Holland then said, 'It was a necessary request at this time:' And his majesty also then said, 'He had not denied it,' The next

* London, printed for W. Gaye, 1642. The printer of this Narrative was questioned for it afterwards in the house of lords; but upon his saying, that he had the copy from the lord keeper's clerk, he was dismissed.

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day, when his majesty delivered his Answer; which was read by the earl of Holland to the rest of the committee; and that being done, his lordship endeavoured to persuade his maj. to come near the parliament: his maj. answered, 'I would you had given me cause, but I am sure this Declaration is not the way to it; and in all Aristotle's Rhetoricks there is no such argument of persuasion.' The earl of Pembroke thereupon telling him, 'That the parliament had humbly besought his maj. to come near them as aforesaid:' His majesty replied, 'He had learned by our Declaration, that words were not sufficient.' His majesty, being again moved by the earl of Pembroke, to express what he would have, said, 'He would whip a boy in Westminster school that could not tell that by his Answer.' And further said 'They were much mistaken, if they thought his Answer to that a denial,' And being asked by the said earl of Pembroke, 'Whether the Militia might not be granted, as was desired by the parliament, for a time.' His majesty swore, 'By God, not for an hour; you have asked that of me in this, which was never asked of a king, and with which I will not trust my wife and children.' His majesty added, 'The business of Ireland will never be done in the way you are in, 400 will never do that work; it must be put into the hands of one. If I were trusted with it, I would pawn my head to end that work,; and though I am a beggar myself, yet,' speaking with a strong asseveration, 'I can find money for that."

Farther Proceedings in the Trial of the Attorney General.] The foregoing Answer being read, the lords ordered the Attorney General and his counsel to be called in, and proceed in his defence. Serjeant Pheasant desired to be excused from pleading in a business which required so much pains to attend, by reason of his bodily infirmites; and the other, serjeant Green, saying, That being assigned so lately to this business, he found it so intricate to be put in a method, and the records to be perused so many, that he could not, upon so short warning, undertake to make this defence; he therefore humbly craved their lordships to excuse him then, and allow him some further time to prepare himself for this purpose. But, upon consideration of this, the lords resolved to allow no longer time; on which Mr. Hearne, another of the Attorney's counsel, desired that the Impeachment might be read; which being done, he said. "That for the matter of fact, nothing appears by way of charge, but the exhibiting of the Articles; and that no witness was produced, in all the cause, to prove any crime; that there was but an Impeachment and a denial; and no act proved but what was confessed, which is the exhibiting the Articles. He further alledged, That whereas the Attorney was charged to do the fact maliciously, he did nothing but by the command of the king, and knew not of the Articles until they were delivered to him by his majesty."

Next Mr. Chute, another of Mr. Attorney's counsel, argued, "That it was the duty of the Attorney to prosecute the king's causes in all courts of record, when he shall be called, and be assistant in all these matters; to this purpose he read the Attorney's oath. Further he alledged, That the king's Datum est nobis intelligi, is warrant enough to the Attorney to proceed against any person, as in the record of Edw. 3. Rot. 38. where Wm. abp. of York, upon Datum est nobis intelligi, was brought before the king and his counsel, and prosecuted by the attorney general. He also urged the Reports of the Judges in the earl of Arundel's case, April 1626." He said, "That the Attorney General is bound, by his oath, to proceed in all courts of record, though the king gave him no command; and that in parliament he hath prosecuted a Commoner at large, as 31 of Edw. I. Rot. 22. where Nicholas de Segrave was summoned, by the sheriff of Northampton, to appear 'Coram Domino rege in proximo parliamento suo, apud Westmonasterium primo adventu Domini regis, ibidem ad audiendam voluntatem Domini regis, super hiis quæ tunc ibidem proponere intenderet versus eum; et ad faciendum et recipiendum ulterius quod Curia Domini Regis consideraret in premissis.' The said Segrave appearing in parliament, he was prosecuted for the king, and accused by Nic. de Warwick, That he maliciously stirred up discord and contention against John de Crumbwell, who was employed by the king in the war against the Scots. A day being given to make answer, Segrave submitted and acknowledged his offence: upon this the king desired the advice of the lords, what punishment should be inflicted upon Segrave for such a fact, so fully and expressly confessed; the lords gave this Judgment, That, for his fault, he deserved to lose his life; yet the king, out of his special grace and piety, remitted the judgment of life and members; and ordered the said Segrave to find seven good and sufficient men to be bail for him, body for body. Also 4 Edw. III. Sir Tho. Berkeley and John Maltravers were prosecuted in parliament, for the murder of Edw. II. and were tried and acquitted by a jury. And 4. Rot 7. No. 17. Rauf de Ferrers was prosecuted in parliament, upon suspicion of treason: So in the parliament 17 Rd. 2. No. 30. Tho. Talbot, chevalier, was accused in parliament, for conspiring the death of two of the king's uncles."

The counsel having spoken concerning the matter of fact, Mr. Attorney made his own defence to that which concerned the matter of privilege of parliament; and cited the case of Philip Courtney, 16 Rd. 2. No. 16. and the case of the earl of Arundel, and his remonstration made therein, April 19, 2. Caroli. He also insisted, lastly, on the case of the earl of Bristol, the same year. And concluded with observing, That he did not conceive any thing urged against him could make up the crime that he is charged with, but only the vote, passed by both houses, touching the breach of

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the privileges of parliament; and so submitted himself to the justice of that house.—Nothing more was done in this cause at this time. Sir T. Beddingfield and sir T. Gardiner, on their humble petition to the lords, were released from the Tower.

March 15. The lords again took the cause of Mr. Attorney into consideration, What Judgment was to be given on the Impeachment of the commons against him? After a long debate, it was put to the question, 1. Whether, upon the whole matter, Mr. Attorney had committed a crime for which he ought to be sentenced by that house? Resolved in the affirmative. 2. Whether for his offence, he shall lose his place? Resolved negatively. To this last vote the following lords dissented: earls of Northumberland, Essex, Leicester, Warwick, Holland, Bolingbroke, Stamford; lords, Hastings, Willoughby de Parham, St. John, Spencer, Paget, Grey de Werk, Roberts. 3. Whether the Attorney shall pay a fine to the king for his offence? Resolved negatively; the same lords, as above, dissenting. 4. Whether Mr. Attorney shall pay damages for this offence to the parties that were accused? 5. Whether the Attorney shall be committed to the Tower for this offence? Both these were, also, resolved in the negative; the same lords still dissenting.

Votes of the Commons, for putting the Kingdom into a State of Defence, &c.] March 15. p. m. A message was brought up from the commons, to acquaint the lords with some Votes, that had passed their house; to which they desired their lordships concurrence, as those votes were to be the Heads for a Declaration to be drawn up by a committee: They were these:

1. "That the Kingdom hath been of late, and still is, in so evident and imminent danger, from enemies abroad, and from a Popish and discontented party at home; that there is an urgent and inevitable necessity of putting his majesty's Subjects into a posture of Defence for the safeguard both of his majesty and his people." The lords agreed with the commons in this Vote, the following lords dissenting: earls of Bath, Southampton, Cleveland, Newport; lords Dunsemore, and Capell. 2. "That the lords and commons, fully apprehending this danger, and being sensible of their own duty to provide a suitable prevention, have, in several petitions, addressed themselves to his majesty, for the ordering and disposing of the Militia of this kingdom, in such a way as was agreed upon by the wisdom of both houses to be the most effectual and proper for the present exigence of the kingdom; yet could not obtain it, but his majesty did several times refuse his royal assent thereto." Agreed to by the lords. 3. "That in case of extreme danger, and of his majesty's refusal, the Ordinance agreed on by both houses, for the Militia, doth oblige the people, and ought to be obeyed by the fundamental laws of this kingdom." The question was put, Whether the Judges should be heard, in point of law, as to this vote? It passed in the negative; and, upon another question, the said vote was also agreed to. A Protest was entered, in form, against the third vote, and against the Resolution for not consulting the judges; but as it does no more than repeat the two questions, and their dissent from them, we pass it over. The lord Lovelace is the only additional name to those last mentioned. 4. "Resolved, upon the question, That these shall be the Heads of a Declaration." Agreed to. 5. "Resolved, That such persons as shall be nominated deputy lieutenants, and approved of by both houses, shall receive the commands of both houses, and execute their offices." Agreed to; the lords Southampton and Dunsmore only dissenting.—Ordered, 'That these Votes of both houses should be printed, and a committee next day to meet, and draw up a Declaration upon them.'

The Commons Answer to the King's Reply about Mr. Pym's Speech.] This day sir Wm. Lewis reported the Commons Answer to the King's Reply, concerning Mr. Pym's Speech relating to persons passed into Ireland; which was agreed to, and ordered to be sent to his majesty, by lord Compton and Mr. Baynton; as follows:

"May it please your majesty; Your majesty's most humble and faithful subjects, the knights, citizens and burgesses of the commons house of parliament, having considered your majesty's Reply to their Answer, touching such persons as have been licenced by your maj. to pass into Ireland; do most humbly beseech your maj. to believe, that they shall always, with thankfulness and joy, receive from your maj. any satisfactory Answer to their just requests: and, as they hope they shall find in your maj. a readiness to rectify those things, which have been done to their prejudice; so will they be careful to remove all apprehensions of their actions or speeches, which may seem to cast any dishonour upon your majesty. For your majesty's better satisfaction concerning the positive affirmation, 'That many of the chief commanders, now in the head of the rebels, (after the ports were stopped by order of both houses) have been suffered to pass by your majesty's immediate warrant:' May it please your maj. to consider, That, herein, they have affirmed nothing but what they had cause to believe was true; the Grounds whereof they humbly present to your majesty. The first Ground is this, That both houses of parliament, (having, upon your majesty's recommendation, taken into their care the suppression of the rebellion in Ireland) had reason to be especially watchful over the forts; because the rebels, abounding in numbers of men for the most part ignorant of the use of arms, could by no means become dangerous or formidable to this kingdom, but by the access of soldiers and commanders; wherewith they were like to be furnished either out of France or Flanders; from both which places the passage into Ireland is speedy and easy through this kingdom: and therefore they could not

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chuse but be very sensible of whatsoever gave liberty or opportunity to such a passage, as of a very hurtful and dangerous grievance; for prevention whereof they did, upon the 7th of Nov. agree upon an Order, and restrain all passage into Ireland, but upon due and strict examination, by such persons as were trusted to make those licences.—A second Ground that the other licence, granted to the lord Delvin, and then acknowledged by your majesty's Answer, was such, (both in regard of the persons to whom they were granted, and the extent of the words in which they were granted) as were apt to produce such an effect as is mentioned in that positive affirmation; that is, To open a way for the passage of Papists and other dangerous persons to join with the rebels, and to be heads and commanders amongst them, is thus proved. The first warrant granted to colonel Butler (since the Order of restraint by both houses of parliament) did extend to all ports of England and Scotland; and did give free passage to himself and to his company, without any qualification of persons, or limitation of number; and this colonel was himself a Papist, had a brother in the rebellion, and general of the rebels in Munster; was expected, and very much desired, by those rebels, who, for a long time, had kept a regiment to be commanded by him, as we have been credibly informed. The second was granted to a son of the lord Nettersfield, which lord had 4 sons in England since the rebellion; one of which is settled in England, three others intended to pass into Ireland, and were all dangerous persons, being Papists, bred in the wars in the service of the king of Spain, and one of them lately become a Jesuit. The third, to the lord Delvin, extends to himself and 4 persons more unnamed; that one of those, who should have past with him, is taken to be a Jesuit; and another, who calls himself Plunckett, seems to be a man of some breeding and quality, and like to have been serviceable to the rebels, and to have done mischief, if he had gone over. The fourth to sir Geo. Hamilton and three more unnamed; this gentleman is likewise a professed Papist, and may be doubted to be of the party of the rebels; one of that name being mentioned in the instructions of Sempil, the Jesuit, amongst divers other dangerous persons of the Popish party in Scotland and Ireland; which instructions were found in a ship stayed in Cornwall, which was going into Ireland with divers Jesuits, soldiers and others, for the encouragement of the rebels.—A third Ground is this, That, by virtue and authority of these licences, several persons have passed over, which now are in actual rebellion; and have command amongst the rebels; which is thus proved: One captain Sutton did, by virtue and authority of your majesty's licence, embark at Whitehaven, in the company of colonel Butler, and was driven back by foul weather; whereupon the colonel stayed, and went to Chester; but that captain re-embarked himself in the same bottom, from whence he passed into Ireland, where he went into the rebellion with the lord Dunsany; and hath since obtained the place of a colonel amongst the rebels, as we are credibly informed. Two of the sons of the lord Nettersfield, one a Jesuit, and the other a soldier, passed into Ireland, in Dec. last; both of them by virtue of your majesty's warrant, as we have cause to believe, for that they went both together in one ship; and the licence, acknowledged to be granted by your warrant, must needs be granted to one of them; seeing the other brother, who lately endeavoured to pass over, did produce no licence, and upon his examination doth absolutely deny that he had any.—A fourth Ground, which we humbly offer to your majesty, is this, That your maj. cannot be assured that no other did pass upon your licence, as your maj. doth conceive, and are pleased to express in your Answer; and that we had great cause to believe that divers others had passed over by your warrant, besides the persons aforementioned; and that for these reasons: 1. Because we received such a general information, That divers, now in the head of the rebels, were passed by your majesty's licence; which being true in part, and easy to be effected, in regard of the nature and extent of the warrants; and probable to be attempted, in regard of the subtilty and vigilancy of that party to make use of all advantages, seemed to deserve credit; which we should not have given to it, if it had been a naked information without such circumstances. 2. Because we had concurring advertisements from Ireland and Chester, that divers Priests, Jesuits, and Popish commanders had passed over, and were landed there; and particularly some of colonel Butler's company; and that the officers of the ports had kept no entry of the names of these persons, or of the warrants by which they were transported.—These, we hope, will be sufficient to persuade your maj. to believe, That as we had some cause to give credit to the said informations, so we had no intention to make any ill use of them to your majesty's dishonour; but did impute the blame to your ministers; who might have been more careful to have informed your maj. of the quality of those persons named in your licences; and so to have limited them, that they might not have extended to others, as they did, how many and dangerous soever. And they pray your maj. to rest assured, That they shall always be tender of your honour and reputation with your good subjects; and, for this cause, have made this true Declaration of the full state of this matter, that they may think no otherwise of it than the truth; and, in all things, shall labour to establish a good understanding and confidence betwixt your maj. and your people; which they heartily desire and pray for, as the chiefest means of preserving the honour, safety, and prosperity of your majesty, and your kingdom."

The King's Message from Huntingdon, relating to Ireland, the Militia, &c.] March

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16. This day the lord keeper delivered to the house a Letter, directed to himself, and a Message in it, from the king to the lords, dated from Huntingdon, March 15; which was read in hæc verba:

"His majesty being now in his remove to his city of York, where he intends to make his residence for some time, thinks fit to send this Message to both houses of parliament: That he doth very earnestly desire that they will use all possible industry in expediting the business of Ireland, in which they shall find so chearful a concurrence by his majesty, that no inconvenience shall happen to that service by his absence; he having all that passion for the reducing of that kingdom, which he hath expressed in his former Messages; and being unable, by words, to manifest more affection to it, than he hath endeavoured to do by those Messages; having likewise done all such acts as he hath been moved unto by his parliament: Therefore, if the misfortunes and calamities of his poor Protestant subjects there shall grow upon them, (though his majesty shall be deeply concerned in, and sensible of, their sufferings) he shall wash his hands before all the world, from the least imputation of slackness in that most necessary and pious work.—And that his maj. may leave no way unattempted, which may beget a good understanding between him and his parliament; he thinks it necessary to declare, That as he hath been so tender of the privileges of parliament, that he hath been ready and forward to retract any act of his own, which he hath been informed hath trenched upon their privileges; so he expects an equal tenderness in them of his majesty's known and unquestionable privileges, which are the privileges of the kingdom; amongst which, he is assured, it is a fundamental one, That his subjects cannot be obliged to obey any act, order, or injunctions, to which his maj. hath not given his consent: and therefore he thinks it necessary to publish, That he expects, and hereby requires, obedience, from all his loving subjects, to the laws established; and that they presume not, upon any pretence of order or Ordinance to which his maj. is no party, concerning the Militia, or any other thing, to do or execute what is not warranted by those laws; his maj. being resolved to observe all the laws himself, and to require obedience to them from all his subjects.—And his maj. once more recommends to his parliament the substance of his Message of the 20th of Jan. last, That they compose and digest, with all speed, such acts, as they shall think fit, for the present and future establishment of their privileges; the free and quiet enjoying their estates and fortunes; the liberties of their persons; the security of the true religion now professed in the church of England; the maintaining his majesty's regal and just authority, and settling his revenue: his maj. being most desirous to take all fitting and just ways, which may beget a happy understanding between him and parliament, in which he conceives his greatest power and riches doth consist."

Conference held thereupon.] The lords, taking this Message into consideration, ordered, That it should be communicated to the commons at a conference; which being done accordingly, Mr. Denzil Hollis made the following report: "That the lord Roberts, who was appointed by the lords for that purpose, said, That he was commanded, by the lords, to deliver what is their sense of this Message; and to represent their observations. 1. Concerning the Militia, the lords do still insist upon the Declaration of both houses, notwithstanding any thing expressed in this Message. 2. The lords made some observations out of the matter of the Message, and out of the circumstances of time and place: 1. For the king's Removal, for so far as York, from the parliament; and the great inconveniency that should happen thereby to the kingdom of Ireland, by reason of his absence; the lords taking it into consideration, do conceive his majesty's removing so far as York, must, of necessity, be an obstruction, and may be a destruction of that kingdom. The next particular out of the Message is, concerning the Privilege of Parliament, and the Laws of the Land; the lords are of opinion, That when the parliament, which is the supreme court of this kingdom, shall declare what the law of the land is, to have that not only questioned and controverted, but contradicted, and a command that it should not be obeyed, is a breach of the privilege of parliament.—The next observation they had, was, from the time, and place: for by comparing this with the votes that passed both houses yesterday, it is, as it were, a contradiction of those votes: they do either think there was some prophetical spirit in it, that this should be so express an Answer to those votes, or that it was framed nearer hand: and therefore desire, that it may be referred to a committee to examine the same."*

Soon after the lords sent for Francis Taylor, the messenger, and asked him of whom he had the letter he brought from the king; he said, he had the letter from a servant of the lord Falkland's, secretary of state, last night, at 9 o'clock, and he brought it and delivered it to the lord keeper.

Then the bill 'For clearing the lord Kimbolton and the 5 Members from a feigned Charge of High Treason;' also another bill 'For raising Money for the great Affairs of the Kingdoms of England and Ireland, was read a third time by the lords, and passed. Ordered, 'That the clerk of the crown, in Chancery, do forthwith draw up two commissions, and pre-

* Lord Clarendon observes, "That he never knew both houses in more choler and rage, than upon the receiving this Message; which came so early to them, that they concluded that it could not be sent from the king, but that it had been inserted in blanks left in the town for such purposes."

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pare them ready for the great seal, for his majesty's royal assent to be given to these two bills.

Votes of the Commons in consequence thereof.] March 17. The commons sent up a Message to the lords, by Mr. Denzil Hollis, That they had taken into serious consideration the matter of the last conference, and the king's last Message; That they had also passed some votes concerning their sense of the same, to which they desired their lordships concurrence, viz. "Resolved, 1. That this house shall insist upon their former votes concerning the Militia. 2. That the king's absence, so far remote from his parliament, is not only an obstruction, but may be a destruction, to the affairs of Ireland. 3. That when the lords and commons in parliament, which is the supreme court of judicature in the kingdom, shall declare what the law of the land is, to have this not only questioned and controverted, but contradicted, and a command that it should not be obeyed, is a high breach of the privilege of parliament. 4. That a committee shall be appointed by this house to join with a committee of the lords, to inquire where this Message was framed. 5. That those persons that advised his maj. to absent himself from the parliament, are enemies to the peace of this kingdom, and justly to be suspected to be favourers of the rebellion in Ireland. 6. That those persons that advised his maj. to this Message are enemies to the peace of this kingdom.—All these Votes were agreed to by the lords.

Conference concerning some Informations touching an Invasion of England, &c.] March 19. p. m. A message was brought up from the commons, desiring a conference about an Answer to the king's last Message from Newmarket; as, also, concerning some Informations the commons had received, touching the Affairs of the kingdom. This conference being held, the lord keeper reported it back to the lords, to this effect. "That the house of commons had received several Informations from abroad concerning a design to invade England, the letters of which were read, importing, That the lord Digby had got together 30 or 40,000 men, at Elseneur, in Denmark, and a fleet of ships ready to convey them to Hull. This information was given abroad by one James Henley, a master of a ship, who said he was treated with to serve as pilot to this fleet. The next Information was from a Frenchman, who was servant to M. Freeze, son to the lord chancellor of Denmark, who said, that he came lately from Denmark, and heard there of levies of men; and at Hamburgh he heard, that those levies were designed for England. The commons offered these concurrent proofs to make the Information more considerable. 1. The endeavours to have put the earl of Newcastle into Hull, and his coming thither under a feigned name. 2. The expressions in lord Digby's letters; and his majesty withdrawing himself into those parts, notwithstanding the advice of his parliament. To this the commons added another Information they had received, concerning a French fleet going for Ireland, from another master of a ship, who met them steering that way. These were some materials for their fears, and a further cause for a continuance of their distractions and jealousies, and of pursuing the course already agreed on, for securing the kingdom, and putting the subjects into a posture of defence. It was further delivered at this conference, That a message with all speed be sent to his majesty to answer some things in his late speech to the committee of lords and commons, at Newmarket, which seem to reflect upon the honour of both houses; to intimate to him the contents of those advices received out of Holland; and to renew the desires of both houses; for his majesty's return to his parliament. Also the commons desired their lordships concurrence to the following propositions: 1. "That a command of both houses be sent to Hull, by express, to the Governor there, to suffer no foreign Ships to come into that Harbour, without strict examination; and that he receive no English, or other forces into that town, but such as both houses shall advise or direct him to receive, and keep that town for his majesty's service, and the security of the kingdom. The next proposition related to giving instructions to the lord admiral to take special care to guard the seas; to search all ships passing between Holland and Hull; and to enquire what preparations of land or sea forces are making at Elsineur. Lastly, The lord lieutenants and high sheriffs of the Northern counties were to be ordered, from both houses, to suppress all forces which shall be raised in those parts without the direction of parliament; and to take special care of Newcastle, Hull, and other towns, on those coasts.—Then was reported a Letter, without a name, dated, Newmarket, March 8, 1641, sent to Mr. Pym, intimating, That the Navy will be treacherous to the parliament; that forces will be sent out of France into Ireland; that Declarations from the king will be printed of the grievances of parliament; and that some of the members of the house of commons betray all their doings, and send the king the heads of their intents and resolutions."

This report being ended, the lords took it into consideration; and, after a serious debate, the commons Answer to the king's last Message was read and agreed to; the earl of Bath, with the lords Mowbray, Grey, Dunsmore and Capel, dissenting.—The first proposition, concerning sir John Hotham's not admitting forces into Hull, was objected to, because of these words, 'Without the advice or direction of both houses of parliament;' and it was resolved to propose that it should run, 'Without the king's authority, signified by both houses of parliament.' The second Proposition was wholly agreed to, and ordered accordingly. To the third, That the lieutenants and sheriffs, should take care to suppress insurrections, &c. it was resolved to be put to the commons,

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Whether it was not a weakening to a former Order of both houses, given to sheriffs, &c. for suppressing unlawful assemblies. Resolved to have another conference with the commons about these emendations.

The commons sent up, by sir John Colepeper, knight, chancellor of the Exchequer, a bill of Subsidy of tonnage and poundage, &c. on merchandize imported or exported; which the lords read a first time.

The same day the king's commission was read for passing a bill, intitled, 'an Act for the speedy and effectual reducing of the rebels in his majesty's kingdom of Ireland;' when, the commons being sent for, the royal assent was given with the usual ceremonies. This act respected the adventurers, in that kingdom, already mentioned.

March 21. This day the conference was held about the late Propositions, when the commons would not agree with the lords in the alteration of that about Hull; but adhered to the first. As to the other about Sheriffs, the commons conceived in was no weakening of their former Order: but to make it clearer, a letter might be writ to that effect to the lord lieutenants and the Sheriffs: upon which the lords agreed to all as they were first proposed.

Resolutions of the Commons against the 12 Bishops.] Mr. Glynn, one of the committee on the bill against the Bishops, made a report of it to the house, on which they came to the following Resolutions: 1. "That a question shall be put upon every particular Bishop. 2. That, by this bill the archbishop of York shall not forfeit the inheritance of his temporal estate." The like question was put upon Thomas, Bishop of Durham, and so, severally on all the rest, and resolved negatively. But, upon another question, Whether the archbishop and the rest, separately, should by that bill, forfeit the profits and issues of their temporal estates, freehold lands, and lands of inheritance, during their lives? it was carried in the affirmative. Resolved, That the archbishop of York shall be allowed 100*l.* per annum.

Answer of both Houses to the King's last Message from Newmarket.] March 22. The following Message, to be sent to the king, from both houses, was this day read by the lords, agreed to, and ordered to be presented to the king, by a committee of both houses:

"May it please your majesty; Your majesty's most loyal subjects, the lords and commons in parliament, cannot conceive that the declaration which your majesty received from us at Newmarket, was such as did deserve that censure your maj. was pleased to lay upon us in that Speech which your maj. made to our committees there, and sent in writing to both houses: our Address therein being accompanied with plainness, humility, and faithfulness, we thought more proper for the removing the distraction of the kingdom, than if we had then proceeded according to your majesty's Message of the 20th of January; by which your maj. was pleased to desire, That we would declare what we intended to do for your majesty, and what we expected to be done for ourselves: In both which we have been very much hindered by your majesty's denial to secure us and the whole kingdom, by disposing the Militia, as we had, divers times, most humbly petitioned; and yet we have not been altogether negligent of either, having lately made good proceedings in preparing a Book of Rates to be passed in a bill of Tonnage and Poundage, and likewise the most material heads of those humble desires, which we intended to make to your majesty, for the good and contentment of your maj. and your people: but none of these could be perfected before the kingdom be put into safety, by settling the Militia; and until your maj. shall be pleased to concur with your parliament in those necessary things, we hold it impossible for you to give the world, or your people, such satisfaction concerning the fears and jealousies which we have expressed, as we hope your maj. hath already received, touching that exception which you were pleased to take to Mr. Pym's Speech.—As for your majesty's fears and doubts, the ground whereof is from seditious pamphlets and sermons, we shall be as careful to endeavour the removal, as soon as we shall understand what pamphlets and sermons are by your maj. intended, as we have been to prevent all dangerous tumults: and if any extraordinary concourse of people, out of the city of Westminster, had the face and shew of tumult and danger, in your majesty's apprehension, it will appear to be caused by your majesty's denial of such a guard to your parliament, as they might have cause to confide in; and by taking, into Whitehall, such a guard for yourself, as gave just cause of jealousy to the parliament, and of terror and offence to your people.—We seek nothing but your majesty's honour, and the peace and prosperity of your kingdoms; and we are heartily sorry we have such plentiful matter of an Answer to that Question, 'Whether you have violated our laws?' We beseech your maj. to remember, that the government of this kingdom, as it was in a great part managed by your ministers, before the beginning of this parliament, consisted of many continued and multiplied acts of violation of laws; the wounds whereof were scarcely healed, when the extremity of all those violations was far exceeded by the late strange and unheard-of breach of our laws, in the accusation of the lord Kimbolton and the 5 Members of the commons house, and in the proceedings thereupon; for which we have yet received no full satisfaction.—To your majesty's next question, 'Whether you had denied any bill for the ease and security of your subjects?' We wish we could stop in the midst of our Answer, That with much thankfulness we acknowledge that your maj. hath passed many good bills, full of contentment and advantage to your people; but truth and necessity inforce us to add this, That, even in or about the time of passing those bills, some design or other hath been on

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foot, which, if it had taken effect, would not only have deprived us of the fruit of those bills, but have reduced us to a worse condition of confusion than that wherein the parliament found us.—And if your majesty had asked us the third question intimated in that speech, 'What we have done for yourself? Our Answer would have been much more easy; That we have paid two armies, wherewith the kingdom was burdened last year; and have undergone the charge of the war in Ireland, at this time; when, through many other excessive charges and pressures, your subjects had been exhausted, and the stock of the kingdom very much diminished: Which great mischiefs, and the charges thereupon ensuing, have been occasioned by the evil counsels, so powerful with your majesty, which have, and will, cost this kingdom more than two millions; all which, in justice, ought to have been borne by your majesty. As for the 'free and general Pardon, your majesty hath been pleased to offer,' it can be no security to our fears and jealousies, for which your maj. seems to propound it; because they arise not from any guilt of our own actions, but from the evil designs and attempts of others.—To this our humble Answer to that Speech, we desire to add an Information, which we lately received from the deputy-governor of the merchant-adventurers at Rotterdam, in Holland, That an unknown person, appertaining to the lord Digby, did lately solicit one James Henly, a mariner, to go to Elsineur, and to take charge of a ship in the fleet of the king of Denmark, there prepared, which he should conduct to Hull; in which fleet likewise, he said, a great army was to be transported: And al hough we are not apt to give credit to informations of this nature, yet we cannot altogether think it fit to be neglected, but that it may justly add somewhat to the weight of our fears and jealousies; considering with what circumstances it is accompanied; of the lord Digby's preceding expressions, in a Letter to her majesty, and sir Lewis Dives; and your majesty's succeeding course of withdrawing yourself Northward from your parliament, in a manner very suitable to, and correspondent with, that evil counsel; which we doubt will make much deeper impression in the generality of your people: And, therefore, we most humbly advise and beseech your majesty for the procuring and settling the confidence, both of your parliament and all your subjects, and for the other reasons concerning the recovery of Ireland and security of this kingdom, which have been formerly presented to your majesty, you will be graciously pleased, with all convenient speed, to return to these parts, and to close with the counsel and desire of your parliament; where you shall find their dutiful affections and endeavours ready to attend your majesty, with such entertainment as shall not only give your maj. just cause of security in their faithfulness, but other manifold evidences of their earnest intentions and endeavours to advance your majesty's service, honour, and contentment; and to establish it upon the sure foundation of the peace and prosperity of all your kingdoms."

Another Order about Hull, sent up by the commons, was read and agreed to by the lords, much to the same purport, but stronger than the former: "The governor, sir John Hotham, was to take care no foreign ships should enter that port, without strict examination of their strength, burden, &c. No English, or other forces whatsoever, to be suffered to enter, but those already appointed to be the garrison there; and such other as, by the wisdom and authority of both houses of parliament, shall be advised and directed to be received and kept, for the better guard and defence of the town and magazine therein remaining, for his majesty's service and the security of the kingdom. In the doing whereof the mayor of the said town, and all other his majesty's officers and subjects, were commanded to be aiding and assisting to the said governor, as they would answer the contrary at their peril."

The same day the commons sent up to acquaint the lords with a Vote which they had passed, and to which they desired their lordships concurrence, viz. "That when the lords and commons in parliament shall declare what the law of land is: To have this not only questioned and controverted, but contradicted, and a command given that it be not obeyed, is a high breach of the privilege of parliament." To this the lords agreed.

The King's Answer to the Commons Reply concerning a Passage in Mr. Pym's Speech.] March 24. The lord Compton reported, That, according to the command of the commons, he and Mr. Baynton did attend his majesty, at York; that they arrived there on Saturday last, and presented his majesty with the Reply of that house, concerning the passage in Mr. Pym's Speech, touching some commanders now in the head of the rebels, &c. and received his majesty's Answer, in writing, on Monday morning; which was read, and was in hæc verba:

"His majesty hath seen and considered the Message, presented to him by the lord Compton and Mr. Baynton, the 19th of March, 1641, at York, touching such persons as have been licenced by his majesty to pass into Ireland. Though he will not insist upon what little reason they had to suspect, that some ill-affected had passed into Ireland, under colour of his majesty's licence, inferences being slender proofs to ground belief upon; yet he must needs avow, that, for any thing that is yet declared, he cannot see any ground, why Mr. Pym should so boldly affirm, before both houses of parliament, 'That, since the stop upon the ports, by both houses, against all Irish Papists, many of the chief commanders now in the head of the rebels, have been suffered to pass, by his majesty's immediate warrant;' for as yet there is not any particular person named, that is now so much as in rebellion, much less in the head of the rebels, to whom his maj. hath

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given licence: And therefore, according to his majesty's Reply upon that subject, his majesty expects, that his house of commons publish such a Declaration, whereby this mistaking may be cleared; that so all the world may see his majesty's caution in giving of passes; and likewise that his ministers have not abused his majesty's trust, by any surreptitious warrant. And, lastly, his majesty expects, that henceforth there be more wariness used, before such public aspersions be laid; unless the grounds be before-hand better warranted by sufficient proofs."

The lords had petitioned the king to remove sir John Pennington from being commander of the fleet, to which he returned this Answer, viz. "That his majesty sees no reason why he should give way to the alteration of him, who was first made choice of by the lord admiral, for that charge, and approved of by himself: Therefore his majesty cannot, in honour and justice, appoint any other for that charge than sir John Pennington; of whose ability and integrity his majesty hath had so long and good experience."—The earl of Warwick was the person nominated to the king for that trust, by the lords; who, when they received this Message, sent it down to the commons, with a desire that both houses should join in a Petition to the king, That the said earl might command in chief, in this summer's fleet, and to present what reasons are thought proper for the purpose.

The King's Answer to the Declaration of both Houses concerning Fears and Jealousies.] The lord Keeper acquainted the house, That he had received two Letters from the king, dated at York, March 21, 1641, with a Declaration inclosed in one, in Answer to that from parliament, presented, at Newmarket, the 9th instant; both which he was commanded to communicate to their lordships. The Declaration was in these words:

"Though the Declaration, lately presented to us at Newmarket, from both our houses of parliament, be of so strange a nature, in respect of what we expected, after so many acts of grace and favour to our people; and some expressions in it so different from the usual language to princes, that we might well take a very long time to consider it; yet the clearness and uprightness of our conscience to God, and love to our subjects, hath supplied us with a speedy Answer; and our unalterable affection to our people prevailed with us to suppress that passion, which might well enough become us upon such an invitation.—We have reconsidered our Answer of the 2nd of this month at Theobalds, which is urged to have given just cause of sorrow to our subjects. Whosoever looks over that Message, (which was in effect to tell us, that if we would not join with them, in an act which we conceived might prove prejudicial and dangerous to us and the whole kingdom, they would make a law without us, and impose it upon our people) will not think that sudden Answer can be excepted to.—We have little encouragement to Replies of this nature, when we are told of how little value our words are like to be with you, though they come accompanied with all the actions of love and justice, (where there is room for actions to accompany them) yet we cannot but disavow the having any such evil counsel or counsellors about us, to our knowledge, as are mentioned; and if any such be discovered, we will leave them to the censure and judgment of our parliament: in the mean time we could wish, than our own immediate actions which we avow, and our own honour, might not be so roughly censured and wounded under that common style of evil counsellors.—For our faithful and zealous affection to the true Protestant profession, and our resolution to concur with our parliament in any possible course for the propagation of it and suppression of Popery, we can say no more than we have already expressed in our Declaration to all our loving subjects, published, in Jan. last, by the advice of our privy council; in which we endeavoured to make as lively a confession of ourself, in this point, as we were able, being most assured that the constant practice of our life hath been answerable thereunto; and therefore we did rather expect a testimony and acknowledgment of such our zeal and piety, than those expressions we met with in this Declaration, of any design of altering religion in this kingdom. And we do, out of the innocence of our soul, wish that the judgments of Heaven may be manifested upon those who have, or had, any such design.—As for the Scots troubles; we had well thought that those unhappy differences had been wrapped up in perpetual silence, by the act of oblivion; which being solemnly passed in the parliaments of both kingdoms, stops our mouth from any further Reply, than to shew our great dislike for revivjng the memory thereof.—If the Rebellion in Ireland, so odious to all Christians, seems to have been framed and maintained in England, or to have any countenance from hence, we conjure both our houses of parliament and all our loving subjects whatsoever, to use all possible means to discover and find out such, that we may join in the most examplary vengeance upon them that can be imagined: but we must think ourself highly and causelessly injured in our reputation, if any Declaration, action, or expression of the Irish rebels; any Letter from count Rosetti to the Papists, for fasting and praying; or from Trisstram Whitcombe of strange speeches uttered in Ireland; shall beget any jealousy or misapprehension in our subjects of our justice, piety, and affection; it being evident to all understandings, that those mischievous and wicked rebels are not so capable of great advantage, as by having their false discourses so far believed, as to raise fears and jealousies, to the distraction of this kingdom, the only way to their security: And we cannot express a deeper sense of the suffering of our poor Protestant subjects in that kingdom, than we have done

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in our often Messages to both houses, by which we have offered and are still ready to venture, our royal person for their redemption; well knowing, that as we are, in our own interest, more concerned in them, so we are to make a strict account to Almighty God for any neglect of our duty for their preservation.—For the manifold attempts to provoke our late army, and the army of the Scots, and to raise a faction in the city of London, and other parts of the kingdom; if it be said as relating to us, we cannot, without great indignation, suffer ourself to be reproached, to have intended the least force or threatening to our parliament, as the being privy to the bringing up of the army would imply: whereas we call God to witness, we never had any such thought, or knew of any such resolution concerning our late army.—For the Petition shewed to us by captain Legge; we well remember the same, and the occasion of that conference: captain Legge being lately come out of the North, and repairing to us at Whitehall, we asked him of the state of our army; and, after some relation made of it, he told us, That the commanders and officers of the army had a-mind to petition the parliament, as others of our people had done, and shewed us the copy of a Petition, which we read; and, finding it to be very humble, (desiring the parliament might receive no interruption in the reformation of the church and state, to the model of queen Elizabeth's days) we told him, We saw no harm in it: whereupon he replied, That he believed all the officers of the army would like it, only he thought sir Jacob Ashley would be unwilling to sign it, out of fear that it might displease us. We then read the Petition over again; and then observing nothing, in matter or form, we conceived could possibly give just cause of offence, we delivered it to him again; bidding him give it to sir Jacob Ashley, for whose satisfaction we had written C. R. upon it, to testify our approbation; and we wish that Petition may be seen and published, and then we believe it will appear no dangerous one, nor a just ground for the least jealousy or misapprehension.—For Mr. Jermyn; it is well known that he was gone from Whitehall before we received the desire of both houses for the restraint of our servants, neither returned he thither, or passed over by any warrant granted by us after that time.—For the Breach of Privilege, in the accusation of the lord Kimbolton and the 5 members of the house of commons, we thought we had given so ample satisfaction in our several Messages to that purpose, that it should be no more pressed against us; being confident that if the breach of privilege had been greater than hath been ever before offered, our acknowledgement and retractation hath been greater than ever king hath given; besides the not examining how many of our privileges have been invaded in defence and vindication of the other; and therefore we hoped our true and earnest protestation, in our Answer to your Order concerning the Militia, would so far have satisfied you of our intentions then, that you would no more have entertained any imagination of any other design than we there expressed.—But why the listing of so many officers, and entertaining them at Whitehall, should be misconstrued, we much marvel; when it is notoriously known the tumults at Westminster were so great, and their demeanours so scandalous and seditious, that we had good cause to suppose our own person, and those of our wife and children to be in apparent danger; and therefore we had great reason to appoint a guard about us, and to accept the dutiful tender of the service of any of our loving subjects; which was all we did to the gentlemen of the Inns of Court.—For the lord Digby; we assure you, on the word of a king, that he had our warrant to pass the seas, and had left our court, before we ever heard of the Vote of the house of commons, or had any cause to imagine that his absence would have been excepted against.—What your advertisements are from Rome, Venice, Paris, and other pars, or what the Pope's Nuncio solicits the kings of France or Spain to do, or from what persons such informations come to you, or how the credit and reputation of such persons have been sifted and examined, we know not; but are confident no sober honest man in our kingdoms can believe, that we are so desperate or so senseless to entertain such designs as would not only bury this our kingdom in sudden destruction and ruin, but our own name and posterity in perpetual scorn and infamy: and therefore we could have wished that, in matters of so high and tender a nature, (wherewith the minds of our good subjects must needs be startled) all the expressions were so plain and easy, that nothing might stick with them with reflection upon us, since you thought fit to publish it at all.—And having now dealt thus plainly and freely with you, by way of Answer to the particular Grounds of your Fears; we hope, upon a due consideration and weighing both together, you will not find the grounds to be of that moment to beget, or longer to continue, a misunderstanding betwixt us; or force you to apply yourselves to the use of any other power than what the law hath given you; the which we always intend shall be the measure of our own power, and expect it shall be the rule of our subjects obedience.—Concerning our Fears and Jealousies; as we had no intention of accusing you, so are we sure no words spoken by us, on the sudden, at Theobald's, will bear that interpretation. We said, 'For our residence near you, we wished it might be so safe and honourable, that we had no cause to absent ourself from Whitehall,' and how this can be a breach of privilege of parliament we cannot understand. We explained our meaning in our Answer at Newmarket, at the presentation of this Declaration, concerning the printed seditious pamphlets and sermons, and the great tumults at Westminster: and we must appeal to you and all the world, whether we might not justly suppose ourself in danger

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of either. And if we were now at Whitehall, what security have we that the like shall not be again; especially if any delinquents of that nature have been apprehended by the ministers of justice, and been rescued by the people, and so as yet escape unpunished. If you have not been informed of the seditious words used, and the circumstances of those tumults, and will appoint some way for the examination of them, we will require some of our learned counsel to attend with such evidence as may satisfy you; and till that be done, or some other course taken for our security, you cannot, with reason, wonder that we intend not to be where we most desire to be.—And can there yet want evidence of our hearty and importunate desire to join with our parliament, and all our faithful subjects, in defence of the religion and public good of the kingdom? Have we given you no other earnest but words, to secure you of those desires? The very Remonstrance of the house of commons, published in Dec. last, of the State of the Kingdom, allows us a more real testimony of our good affections than words: that Remonstrance valued our acts of grace and justice at so high a rate, that it declared the kingdom to be then a gainer, though it had charged itself by bills of Subsidies and Poll-Money, with the levy of 600,000*l.* besides the contracting of a Debt to our Scots subjects of 220,000*l.*—Are the bills for the Triennial Parliament; for relinquishing our title of imposing upon Merchandize, and Power of pressing of Soldiers; for taking away the Star-Chamber and High-Commission Courts; and for regulating the Council Table, but words? Are the bills for the Forests; the Stannary Courts; the Clerk of the Market; and the taking away the Votes of the Bishops out of the lords house, but words? Lastly, What greater earnest of our trust and reliance on our parliament could, or can, we give, than the passing of the bill for the Continuance of this present Parliament? the length of which, we hope, will never alter the nature of parliaments and the constitution of this kingdom; or invite our subjects so much to abuse our confidence, as to esteem any thing fit for this parliament to do, which were not so, if it were in our power to dissolve it to-morrow. And after all these, and many other acts of grace on our part, that we might be sure of a perfect reconciliation betwixt us and all our subjects, we have offered, and are still ready to grant, a free and general Pardon, as ample as yourselves shall think fit. Now, if these be not real expressions of the affections of our soul, for the public good of our kingdom, we must confess that we want skill to manifest them.—To conclude, (although we think our Answer already full to that point) concerning our Return to London: we are willing to declare, that we look upon it as a matter of so great weight, with reference to the affairs of this kingdom, and to our own inclination and desires, that if all we can say or do, can raise a mutual confidence, (the only way, with God's blessing, to make us all happy) and, by your encouragement, the laws of the land, and the government of the city of London, may recover some life for our security, we will overtake your desires, and be as soon with you as you can wish. And, in the mean time, you may be sure, that neither the business of Ireland, or any other advantage for this kingdom, shall suffer through our default, or by our absence; we being so far from repenting the acts of our justice and grace, which we have already performed to our people, that we shall, with the same alacrity, be still ready to add such new ones, as may best advance the peace, honour, and prosperity of this nation."

The King's Objections to passing the Bill for clearing Lord Kimbolton, &c.] The other Letter to the lord keeper was as follows:

"C. R. Right trusty and well-beloved counsellor, we greet you well; We have signed a commission for giving our royal assent for passing the bill 'For raising 400,000*l.* for the necessary Defence of our kingdom of Ireland. As for the other bill sent unto us, intituled, 'An Act for clearing and vindicating of the lord Kimbolton, Mr. Hollis, &c. albeit we are well pleased to pass an act for the clearing of them all, according to our gracious promise; yet we are not by that promise, nor otherwise, obliged to lay any imputation on ourself, or to clear them in words that may reflect upon our honour. Wherefore, our command is, that you make known to our parliament, That if they will pass a bill for the freeing and clearing of the lord Kimbolton and the rest, in such terms and words as may be strong for them, and not reflect upon us, we will readily give our royal assent thereto. Given at our Court at York, the 21st of March, in the 17th year of our reign."

Ordered, "That this house shall take into consideration, Whether this Answer is not a breach of the privilege of parliament. And that all these last matters from the king shall be communicated to the house of commons, at a conference." But at the very same time came up a Message from the commons, desiring a conference about the same things; which was granted, and appointed for that afternoon.

Information of an Invasion intended by the French.] March 26. The earl of Northumberland, lord admiral, acquainted the lords, "That he had received information from sir Philip Carteret, governor of the Isle of Wight, of forces raising in Normandy and Britany, to the number of 7000 men; that they were designed against the islands of Guernsey and Jersey, or some part of England: and that there was in France a secret intent to break the peace between the two kingdoms." Ordered, "That this Information should be sent to the commons; and to desire that house to give a speedy dispatch to the setting forth this summer's fleet; and that both houses may join in an humble Petition to the king, to make the earl of Warwick commander of it."

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This day an act 'For raising of 400,000*l.* for the necessary Defence and great Affairs of this kingdom and Ireland, and for the Payment of Debts undertaken by Parliament,' was passed, by commission, with the usual ceremonies.

The Lords refuse to let the Earl of Essex, &c. wait on the King at York.] March 28. The earl of Essex, lord chamberlain, and the earl of Holland, groom of the stole, exhibited Letters from the king, commanding them to appear at York, to attend St. George's Feast there, (they being knights of the garter) which the king intended to hold in that city. The like letters the earl of Salisbury and the lord Savile shewed; which being taken into consideration, as a matter of great importance, it was resolved, upon the question, "That the said lords should not have leave to go, but attend the business of that house, in regard that great and weighty affairs of the kingdom were then in agitation."

Conference concerning an intended Petition from Kent.] A conference was held this day between the two houses; when the commons informed the lords, That a Petition had been framed in Kent, and intended to be delivered to Parliament, which was of dangerous consequence. This was on the Information of one Francis Jones, who averred, That the Petition was produced and read at the assizes, at Maidstone, the 25th of March last, and consisted, to the best of his memory, of these particulars: "That the government of Bishops might still remain, they being as antient as Christianity in England: that the Liturgy and Common Prayer might still remain: that such might be punished who either absent themselves from it, or speak against it; and that all ministers and people might be brought into this uniformity: that no Order should issue out of either house, to oblige the people, unless it was an act of parliament: that no Order should issue concerning the Militia, from either house, without the king's hand to it: that they would presently apply themselves to his majesty's Message of the 20th of Jan. last: that they would establish the civil law, that they who were civil lawyers might not lose their studies: that they would speedily relieve their brethren in Ireland: that they would be pleased to establish the privilege of parliament, and the king's regal power. Lastly, That sir Edw. Dering pressed, with great earnestness, to have a copy of this Petition sent to the king; but, as he thought, it was denied."

The commons further informed the lords, that they found sir Edw. Dering, sir Roger Twisdell, sir Geo. Strode, and Mr. R. Spencer, had been active men in contriving and presenting this Petition; they therefore desired the said gentlemen might be sent for, as delinquents; which was accordingly ordered by the lords, and a select committee, of both houses, appointed to examine this business to the bottom.

Petition to the King that the E. of Warwick may command the Fleet.] March 28. p. m. The commons sent up the following draught of a Petition to the king, for constituting the earl of Warwick lord high admiral:

"The lords and commons, in this present parliament assembled, having found it necessary to provide and set to sea a strong and powerful Navy, for the defence of this kingdom against foreign force, and for the security of your majesty's other dominions, the charge whereof is to be borne by the commonwealth; and taking notice of the indisposition of the lord admiral, which disables him, at this time, from commanding the fleet in his own person, did thereupon recommend unto his lordship the earl of Warwick, a person of such ability and quality, as in whom they might best confide, to supply his room for this employment. And understanding that your maj. hath since signified your pleasure concerning that command for sir John Pennington, we do hold it our duty to represent unto your maj. the great danger and mischief the commonwealth is like to sustain by such interruption; and therefore humbly beseech your majesty, that the noble person, recommended by both houses for this service, may no longer be detained from it, out of any particular respect to any other person whatsoever."—The lords agreed to this Petition.

The Earl of Bristol and Judge Mallet examined touching the Kentish Petition; and committed to the Tower.] A copy of the Kentish Petition was produced in the house of lords by the earl of Bristol, who said he had it delivered to him by Judge Mallet. This being read, which was no more than an enlargement on the foregoing heads, the earl was asked, Whether he had taken a copy of this Petition? who answering, Yes, he was commanded to withdraw. Then Mr. Justice Mallet was examined, who said, "That he had the Petition from sir Geo. Strode, and that he shewed it to the earl of Bristol, who took a copy of the same." Hereupon the lords taking this affair into consideration, conceived that the judge had committed a great offence, contrary to his duty, as judge of the assize, and as an assistant to this house, in not revealing the Petition to them till he was forced to it. And, after a long debate, the question was put, Whether there were not some words, in this petition, scandalous, dangerous, and tending to sedition? it passed in the affirmative. Likewise the earl of Bristol, because he had this Petition delivered to him, being of so dangerous a consequence, and took a copy of it without doing his duty in acquainting the house of lords therewith, was committed to the Tower, for the present, until this business should be further examined. The earls of Bath, Dover, Portland, Monmouth, with the lords Mowbray, Grey, Howard, and Capel, dissenting. Judge Mallet, also, underwent the same sentence.

March 29. A Message from the king to the lords was read, importing only his desire that the earl of Leicester, lord lieut. of Ireland, should be sent over, immediately, to that

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kingdom, in order to comfort and encourage his good subjects there, on their late success, and strike the more terror into the rebels, &c. which, after a conference with both houses, was denied.

The lord Seymour having been sent to by the king, as a knight of the garter, to attend the king at York, on St. George's feast, and he setting forward on a former leave of absence from the house, a post was sent after him, with an order to bring him back. The gentleman usher of the black rod, having received the like summons, the lords ordered, That he should attend his charge and duty to the house, according to his place.

Bill of Tonnage and Poundage passed.] This day the bill of Subsidy on Tonnage and Poundage, &c. was passed by commission, and was the last of that kind this king ever had granted. Some reasons were likewise drawn up and agreed to be sent to the king, for not permitting his great officers of state, and privy counsellors, to attend him at York.

Impeachment of George Benyon for contriving a Petition against the Ordinance for the Militia, &c.] March 31. This day, at a conference, the commons exhibited the following Articles of Impeachment against George Benyon, citizen of London, for several High Crimes and Misdemeanors:

"That he, the said George Benyon, being a man of power and credit in the city, and well knowing the present distractions and disorders of the times, had endeavoured to make a division between the king and parliament, and between the parliament and the city, by wickedly and maliciously contriving and forming a false, dangerous, and seditious Petition, in behalf of himself and other citizens, and presented to both houses of parliament, &c. That the said Benyon, by false and sinister persuasions, procured divers citizens to subscribe their hands to the said petition, contrary to their intent and true meaning, &c. Also, that the said Benyon did give out and utter divers bold and arrogant speeches, in derogation and contempt of the privileges of parliament, and the peers therein assembled; swearing, by God, that he would make the bill of protections pass, or there should not be one penny lent to parliament; that he would spend every groat in the Chamber of London, to put down the privileges of the peers, and make them honest; that they might be as liable to arrests as the noblemen of France, Spain, Poland and other foreign countries: That he said he had computed the debts of the lords, and that they owed more than would drive on the greatest trade of the whole kingdom, &c. That, speaking of the parliament, he did falsely and maliciously say, That they much complained of the king's authority and power, and yet they went about to set up an arbitrary government themselves; and they, being 400 in number, would be more grievous than one absolute monarch. All which matters and things were committed by the said Benyon, &c."

This is the substance of the Charge against Mr. Benyon: The Petition itself was as follows:

To the Rt. Hon. the LORDS and COMMONS, assembled in Parliament; The HUMBLE PETITION of the CITIZENS of LONDON, whose names are underwritten,

"Sheweth, That the city of London hath, time out of mind, enjoyed the ordering of their own arms, which hath successively been annexed to the mayoralty for the time being; the lord mayor having always been a person of worth and quality, and of their own choice, and hath ever advised with the court of Aldermen in the execution thereof: so that if the same should be conferred on others, we humbly conceive it would not only be a personal dishonour to the lord mayor, but also reflect upon the government and customs of the city of London, granted to the citizens by the great charter of England, and confirmed by divers acts and charters since that time; and which every freeman of the said city is, by the oath of his freedom, bound to maintain to the uttermost of his power. This hon. assembly may be pleased to take into consideration, that an alteration in the ancient government of this renowned city, may breed greater distractions and inconveniences, than, for the present, can be discerned, or, in the future, can be amended. Wherefore, our humble desire is, That since this government hath, by experience, been found for the honour of his majesty, the good of the city and the whole kingdom; and that, in the most troublesome time, it hath been admired and commended by strangers, before any other city in the known world, that the same, by your honourable favour, may be continued without any alteration. And they shall pray, &c."

This Petition being read, the Charge was farther aggravated against Mr. Benyon, by observing, 1. "That he was a man of a turbulent spirit, and a fit person to act such a mischief. A citizen and freeman of London, which is the metropolis and epitome of the whole kingdom; the strength whereof is in the common council: That this plot was like another Trojan horse, full of variety of mischiefs and pestilential designs; according to Machiavel's rule, 'divide et impera.' To divide between the king and his people, the parliament and the city, and the city between itself; like a worm gnawing between the bark and the tree. The circumstances and gradations of this offence ascends to a great height, as having reference to the common council, whereto he ought to have submitted, being involved in their votes; but he abounds in his own sense, and spurns against it. 2. It hath reference to the annihilating and opposing the Ordinance of both houses of parliament, for settling the Militia, the parliament having power of declaring what the law is concerning itself; and

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also it lays a great charge upon both houses for arbitrary power, ambition, and injustice, and hath scandalized their members and privileges. 3. Concerning the time when Benyon committed these offences: It was when the kingdom was full of fears, dangers, and distractions; and, taking advantage of this opportunity, he endeavoured to put all into confusion; so as the bark was not to be saved, but by casting anchor and standing together to oppose these mischiefs. He did not only act his part himself, but persuaded others, both at the Exchange and at the scriveners shops, to subscribe the Petition; which was a thing contrary to the opinion of the common council, as being a matter of great presumption, and tending to sedition; for, it is feared, the consequence of this example, will be an occasion of other places following the same steps, whereof some passages have already appeared: therefore the house of commons desire that exemplary punishment may be inflicted on the said Benyon, for these offences, according to justice."

This Report being made of the Charge, it was ordered, 'That the said George Benyon should be brought to the bar to hear it read; which being done, and he asked what Answer he would make to it, he humbly desired he might have time given him to put in his Answer; and, for the enabling him thereto, he desired to have counsel allowed him, and to have a copy of his Charge. All which was granted, and the 4th of April was appointed for his trial.

A Petition from the 12 Bishops, in the Tower, was read, praying the lords, That some speedy order might be taken for their enlargment, upon bail, or otherwise, as their lordships should think fit. Ordered, That this Petition be communicated to the commons, and they to be desired to proceed against the Bishops with all expedition.

The King's Reply to the Parliament's Answer to his Message from Newmarket.] April 1. A conference having been held between both houses yesterday, a report of it was this day, made to the lords by the lord keeper; in which he said the commons communicated to them the king's Answer to a late Message from Parliament, of March 22; which he read in these words:

"If you would have had the patience to have expected our Answer to your last Declaration, (which, considering the nature of it hath not been long in coming) we believe you would have saved yourselves the labour of saying much of this Message: and we could wish that our privileges on all parts were so stated, that this way of correspondency might be preserved, with that freedom which hath been used of old; for we must tell you, That if you may ask any think of us by Message or Petition, and in what language, how unusual soever, you think fit: and we must neither deny the thing you ask, nor give our reason why we cannot grant it, without being taxed of breaking your privileges, or being counselled by those who are enemies to the peace of the kingdom, and favourers of the Irish Rebellion, (for we have seen your printed Votes, upon our Message from Huntingdon) you will reduce all our Answers hereafter into a very little room. In plain English, it is to take away the freedom of our vote; which, were we but a subject, were high injustice; but, being your king, we leave all the world to judge what it is.—Is this the way to compose all misunderstandings? We thought we shewed you one by our Message of the 20th of Jan.; if you have a better or readier, we shall willingly hearken to it; for hitherto you have shewed us none. But why the refusal to consent to your Order, (which you call a Denial of the Militia) should be any interruption to it, we cannot understand. For the Militia, which we always thought necessary to be settled, we never denied the thing, as we told you in our Answer of the 28th of Feb. to the Petition of the house of commons; for we accepted the persons, except for corporations; we only denied the way. You ask it by way of Ordinance, and with such a preface as we can neither with justice to our honour or our innocence consent to. You exclude us from any power in the disposition or execution of it, together with you, and for a time utterly unlimited: we tell you we would have the thing done; allow the persons with that exception; desire a bill, the only good old way of imposing on our subjects. We are extremely unsatisfied what an Ordinance is; but well satisfied, that, without our consent, it is nothing, nor binding. And it is evident, by the long time spent in this argument, the necessity and danger was not so imminent but a bill might have well been prepared; which, if it shall yet be done with that due regard to us, and care of our people, in the limitation of the power and other circumstances, we shall recede from nothing we formerly expressed in that Answer to your Order; otherwise we must declare to all the world, that we are not satisfied with, or shall ever allow our subjects to be bound by your printed Votes of the 15th or 16th of this month; or that, under pretence of declaring what the law of the land is, you shall, without us, make a new law; which is plainly the case of the Militia: and what is this but to introduce an arbitrary way of government?—Concerning Pym's Speech; you will have found by what the lord Compton and Mr. Baynton brought from us in Answer to that Message they brought to us, that, as yet, we rest nothing satisfied in that particular. As for the seditious Sermons and Pamphlets; we are both sorry and ashamed that in so great a variety, and in which our rights, honour, and authority are so insolently slighted and vilified, and in which the dignity and freedom of parliament is so much invaded and violated, it should be asked of us to name any; the mentioning of the Protestation protested; the Apprentices Protestation; To your Tents, O Israel, or any other, would be to great

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an excuse for the rest. If you think them not worth your inquiry, we have done. But we think it most strange to be told, That our denial of a guard, which we yet never denied, but granted in another manner, and under a command at that time, most accustomed in the kingdom; or the denial of any thing else, which is in our power legally to deny; which, in our understanding, (of which God has surely given us some use) is not fit to be granted, should be any excuse for so dangerous a concourse of people; which not only in our apprehension, but, we believe, in the interpretation of law itself, hath been always held most tumultuous and seditious. And we must wonder what and whence come the instructions and informations that those people have, who can so easily think themselves obliged by the Protestation, to assemble in such a manner, for the defence of privileges, which cannot be so clearly known to any of them; and so negligently pass over the consideration and defence of our rights, so beneficial and necessary for themselves, and scarce unknown to any of them; which by their oaths of allegiance and supremacy, and even by the same Protestation, they are at least equally obliged to defend. And what interruption such kind of assemblies may be to the freedom of future parliaments, if not seasonably discountenanced and suppressed, we must advise you to consider; as likewise whether both our powers may not, by such means, be usurped by hands not trusted by the constitution of this kingdom.—For our Guard; we refer you to our Answer to your Declaration. By that question of violating your laws, by which we endeavoured to express our care and resolution to observe them, we did not expect you would have been invited to have looked back so many years, for which you have had so ample reparation; neither looked we to be reproached with the actions of our ministers, then against the laws, whilst we express so great a zeal for the present defence of them; it being our resolution, upon observation of the mischief which then grew by arbitrary power, (though made plausible to us by the suggestions of necessity and imminent danger, and take you heed ye fall not into the same error, upon the same suggestions) hereafter to keep the rule ourself, and, to our power, require the same from all others. But, above all, we must be most sensible of what you cast upon us for requital of those good bills you cannot deny. We have denied any such design, and as God Almighty must judge in that point between us who knows our upright intentions at the passing those laws; so, in the mean time, we defy the Devil to prove that there was any design, with our knowledge or privity, in or about the time of passing those bills, that had it taken effect, could have deprived our subjects of the fruit of them: and, therefore, we demand full reparation in this point, that we may be cleared in the sight of all the world, and chiefly in the eyes of our loving subjects, from so notorious and false an imputation as this is.—We are far from denying what you have done; for we acknowledge the charge our people have sustained in keeping the two armies, and in relieving Ireland; of the which we are so sensible, that in regard of those great burdens our people have undergone, we have and do patiently suffer those extreme personal wants, as our predecessors have been seldom put to, rather than we would press upon them; which we hope, in time, will be considered on your parts.—In our offer of a general Pardon, our intent was to compose and secure the general condition of our subjects, conceiving that in these times of great distractions, the good laws of the land have not been enough observed: but it is a strange world, when prince's proffered favours are counted reproaches; yet if you like not this our offer, we have done.—Concerning any Discourses of foreign Forces; though we have given you a full Answer in ours to your last Declaration, yet we must tell you, we have neither so ill an opinion of our own merit, or the affections of our good subjects, as to think ourself in need of any foreign force to preserve us from oppression, and we shall not need for any other purpose; but are confident, through God's providence, not to want the good wishes and assistance of the whole kingdom; being resolved to build upon that sure foundaion, the law of the land. And we take it very ill that any general discourses between an unknown person and a mariner, or inferences upon letters, should be able to prevail in matters so improbable in themselves, and scandalous to us; for which we cannot but likewise ask reparation, not only for the vindicating of our own honour, but also thereby to settle the minds of our subjects, whose fears and jealousies would soon vanish, were they not fed and maintained by such false and malicious rumours as these.—For our Return to our Parliament; we have given you a full Answer in ours to your Declaration, and you ought to look on us as not gone, but driven (we say not by you yet) from you; and if it be not so easy for you to make our residence in London so safe as we could desire, we are, and will be, contented that our parliament be adjourned to such a place where we may be fitly and safely with you: For though we are not pleased to be at this distance, yet ye are not to expect our presence, until ye shall both secure us concerning our just apprehension of tumultuary insolencies, and likewise give us satisfaction for those insupportable and insolent scandals that are raised upon us.—To conclude: as we have not, or shall not, refuse any way, agreeable to justice or honour, which shall be offered to us, for the begetting a right understanding between us; so we are resolved, that no straits or necessities, to which we may be driven, shall ever compel us to do that which the reason and understanding which God hath given us, and our honour and interest, with which God hath trusted us, for the good of our posterity and kingdoms, shall render unpleasant and grievous unto us. And we assure you, that

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(how meanly soever you are pleased to value the discharge of our public duty) we are so conscious to ourself of having done our part since this parliament, that, in whatsoever condition we now stand, we are confident of the continued protection from Almighty God, and the constant gratitude, obedience, and affection of our people: and we shall trust God with all."

After the reading of this Answer the lord keeper further said, That the house of commons did account it to be a matter of so great importance, as to require some time to consider of it; and therefore they resolved to lay all other business aside, excepting one or two matters, until this was done; which Resolution the lords agreed to. Ordered, also, "That the Message of both houses to the king, on the 22nd of March last, with his majesty's Answer, should be forthwith printed and published."

Declaration of the Grievances of the Kingdom, and the Remedies proposed.] This day the lords took into consideration the substance of a late conference had with the commons, concerning a Declaration of the Grievances and Evils of this Kingdom, with Propositions of the Remedies and Cures, which they conceived fit for these Diseases; reported by the lord Roberts; and, first, the Declaration was read in hæc verba:

"We your majesty's most humble and loyal subjects, the lords and commons of this present parliament assembled, do hereby call God, this kingdom, and the whole world to witness that we have, ever since our first meeting in this present parliament, with fidelity to your maj. and the state, with much patience and constancy, in respect of the great affronts and interruptions, the pernicious plots and attempts wherewith we have been encountered, distracted and opposed, employed our counsels and endeavours to maintain God's true religion, the honour and rights of your crown, the peace and safety of your royal person and your kingdoms, and the just liberties of your people; that so we might ease them of their great Grievances, and prevent the fears and dangers, yea, the imminent ruin and destruction, which have been contrived and fostered, not only in your court, but even very near your own person; and however our liberties have been invaded, many of our lives endangered, and such attempts made upon us as might have subverted the very being of parliament, yet have we so kept ourselves within the bounds of modesty and duty, that we have given no just occasion of your majesty's absence at this time, nor of any offence or displeasure to the queen's majesty; but, notwithstanding our manifold experience, past and present, and our sense and apprehension of those principles, destructive of this church and state, with which that religion professedly doth abound, we have ever been careful of the honour and safety due to her majesty's person, and so intend to continue for the time to come.

—And we most humbly beseech your majesty, with wisdom and compassion to behold the miserable and perishing condition of all your majesty's kingdoms; the full accomplishment whereof seems impossible to be avoided, unless you will be graciously pleased to join seriously and thoroughly with your parliament, in removing the Causes, and applying the most powerful and sovereign Remedies to those evils and distempers which have long held this kingdom in a languishing estate, and now brought it even to the last gasp and period of destruction; for preventing whereof, according to the trust reposed in us, we are bound, in all humility and faithfulness, to present some of those Causes and Remedies to your princely view and consideration. 1. The Evil Counsel about your majesty and the queen, continually acting and disposing all occurrences of state, and abusing your majesty's power and authority, to the prejudice of religion and hazard of the public peace; the interruption of the parliament; the strengthening of a malignant party within the kingdom; the raising and fomenting jealousies and discontents betwixt your majesty, your parliament, and other loyal subjects. 2. The Priests, Jesuits, and Papists, both foreign and native, and other dangerous and ill-affected persons have had so great an interest in the affections, and so powerful an influence upon the counsels of the queen, that her maj. hath been admitted to intermeddle with the great affairs of state, and with the disposing of places and preferments, even of highest concernment in the kingdom; which, being conferred by her mediation, hereby not only many of those who are of great power and authority, but divers active spirits, ambitious of public employment, have their dependance upon, and are engaged to favour and advance those aims and designs, which are infused into her maj. upon grounds of conscience, which is the strongest bond either of good or evil. 3. The great encouragement of Popery; the public exercise of that religion in Whitehall, Somerset-House, and other places; the establishing of a Popish hierarchy; the settling a college of Capuchins within this realm; the free and frequent conventions and consultations of Papists; the multitude of English youth, of both sexes, bred in the colleges and religious houses beyond the seas, and those Popish schools which, by the connivance and favour of the times, have been set up and permitted within this kingdom. 4. The want of a due Reformation of the Church-Government and Liturgy now used; the Want of a preaching Ministry, and a competent Maintenance for them in many parts of this kingdom. 5. The over-strict pressing of divers Ceremonies in the Liturgy and Rubric, and the enjoining and pressing of other ceremonies not established by law. 6. The Votes of Popish lords in the house of peers, whereby the great work of reformation in the government of the church and state hath been, and may yet be, very much hindered, and the ma-

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lignant party of the kingdom strengthened and protected. 7. The countenance and protection which hath been afforded to many great and dangerous delinquents; the preferment of such as have adhered to them; and the displeasure shewed against those who have been used and employed as witnesses in the trial and prosecution of them. 8. The violent and frequent Breaches of the Privileges of Parliament; the often attempts against the safety, and malicious design to frustrate the power and proceedings of parliament. 9. The managing and transacting the great affairs of the realm in private cabinet councils by men unknown, not trusted by the wisdom of the law, nor well-affected to the public good of the kingdom. 10. The preferring men to degrees of honour, to offices, and other employments of trust, and removing others in time of parliament, without the consent of that your great and faithful council; whereby covetous and ambitious spirits are apt to be biassed to those courses which lead to their own preferment; and others, more ingenuous and upright, are awed and straitened in the performance of their duties. 11. The Selling of Places of Judicature, of Offices of Trust in Courts of Justice, as of the degrees of serjeant at law, and of the charge and custody of the castles and forts of the kingdom; whereby insufficient, corrupt, and unworthy persons are often preferred; who, knowing themselves obnoxious to the censure and punishment of parliament, are engaged, for their own security, to be pliant and serviceable to any ill designs; oppression, bribery, and extortion, are cherished and encreased; your majesty's service, the safety, honour and government of the kingdom neglected; and places and employments of trust, which, in the frame and constitution of the common-wealth, were intended for the general good and service of the kingdom, are, for the most part, by the study and endeavours of those that enjoyed them, improved to the satisfaction of their own covetousness, ambition, or other private ends; and made burthensome and hurtful to the public, by obstructing or preventing the ways of justice. 12. The secret and false Informations and Accusations received against divers members of parliament; whereby they have been much endangered and prejudiced, in the favour and apprehension of your maj. and the queen, and, by concealing the informers, have been left without means to acquit and defend themselves.—The Remedies which we humbly tender to your majesty are these: 1. That the lords, and other your majesty's privy council, and all other persons employed in great offices of state and government, either at home or beyond the seas, may be put from the privy council, and from those offices and employments, excepting such as have offices by inheritance; and that such persons, as shall be put into those places and employments, shall be recommended to your majesty by advice of both houses of parliament; and that all privy counsellors shall take an oath for the due execution of their places, in such form as shall be agreed upon by parliament; and that such of those counsellors and great officers as shall be so displaced, and not recommended as aforesaid, and whose names shall be presented by both houses of parliament, shall not have access to the persons or courts of the king or queen's majesty. 2. That all Priests, Jesuits, or Papists, as likewise all other dangerous and ill-affected persons, though professing the Protestant religion, be removed from the queen's person, and from having any office or employment under her; and that all her majesty's servants whatsoever shall take an oath, to be advised and enacted by parliament, that he or she will not, at any time, directly or indirectly, by him or herself, or any other, move, petition, or solicit her maj. in any matter concerning the state and government of the kingdom; or concerning any favour or immunity to be conferred upon any Papists, against the laws; or for any honour, preferment, or employment of any person whatsoever. 3. That your majesty will be graciously pleased to remove from about the royal persons of your maj. and the queen, and from both your courts, Mr. Wm. Murray, Mr. Endimion Porter, both which are of your bedchamber, sir John Winter, late secretary to the queen, and Mr. Wm. Crofts, being all persons of evil fame, as those who are disaffected to the public peace and prosperity of the kingdom; instruments of jealousy, discontent, and misunderstanding betwixt your maj. and your parliament; and busy promoters of those mischiefs and grievances which have produced the great dangers, distempers, and fears wherewith all your kingdoms have been, and still are, miserably distracted and perplexed. 4. That your majesty will be pleased not to entertain any advice or mediation from the queen in Matters of Religion; as concerning the government of any of your majesty's dominions; as for the placing or displacing any great officers, counsellors, ambassadors, or agents beyond the seas; or any of your majesty's servants attending your royal person, either in your bedchamber or privy-chamber, or attending the person of the Prince, or any of the royal issue, after they shall attain to the age of 5 years. 5. That for the further securing the kingdom in this behalf, being a matter of so great importance for the preservation of Religion and the Safety of the Kingdom, the queen will be pleased to take a solemn oath, in the presence of both houses of parliament, the form whereof is to be agreed on in parliament, That she will not hereafter give any counsel, or use any mediation to his maj. concerning the disposing of any of the offices or places above-mentioned, or at all intermeddle in any of the affairs of state or government of the kingdom. 6. That all great Officers and Counsellors, and such others as shall be employed in any of the places before-mentioned, shall take a solemn oath, in such manner and form as shall be prescribed by parliament, That they have not made use of any power or mediation of the queen, directly

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or indirectly; for their preferment, in obtaining any such place or employment. 7. That the great Affairs of the Kingdom may not be concluded or transacted by the advice of private men, or by any unknown or unsworn counsellors; but that such matters as concern the public, and are proper for your majesty's privy council, shall be debated and concluded by such of the nobility and others as shall be recommended to that place by parliament; and such other matters of state as are proper for this high court of parliament, which is your majesty's great and supreme council, shall be debated, resolved, and transacted only in parliament, and not elsewhere; and such as shall presume to do any thing to the contrary, shall be referred to the censure and judgment of parliament. 8. That no person whatever, under the penalty of high treason, to be enacted by parliament, shall presume to make, entertain, solicit, or further any propositions or treaty for the marriage of any of the king's children, with any prince or person of the Popish religion; that no marriage for any of the king's children may be concluded with any other prince or person whatsoever, without the advice and consent of both houses of parliament. 9. That none of the king's children, except the princess Maria, already affianced, may, at any time, go beyond the seas without the consent of both houses of parliament; and that no person, under the penalty of high treason, to be enacted by parliament, shall advise, assist, or attend any of his majesty's children in such voyage beyond the seas, without the like consent of both houses of parliament. 10. That such Popish Priests as are already condemned, may be forthwith executed; and such as shall hereafter be condemned, may likewise be executed according to law. 11. That no Mass, or Popish service, be sung or said in the courts of the king, queen, prince, or the house of any subject in this kingdom; and that none of your majesty's subjects, or servants to your majesty, the queen, or any of your children, be present at mass, or in any other service of the church of Rome, or in any place whatsoever, under the penalty of losing his office and service; over and above the other penalties already enjoined by law. 12. That some more effectual courses may be enacted, by authority of parliament, for the better execution of the laws against Papists, for the preventing of feigned conformity, and disabling them from making any disturbances in the state. 13. That the Votes of the Popish lords in the house of peers be taken away by act of parliament. 14. That a due Reformation may be made of the Church Government and Liturgy by the parliament, and an able preaching Ministry may be established in all parts of this kingdom; for which purpose they intend to be assisted with the advice of such godly and learned divines, as shall be agreed on by both houses of parliament. 15. That it may be established, by act of parliament, That no person shall incur any penalties or punishment for any omission of the ceremonies in the Liturgy and Rubric, until the intended Reformation be made by parliament; and that such ceremonies, as are not established by law, may forthwith be wholly taken away. 16. That such delinquents, as stand charged in parliament, for any offence against the peace and liberty of the kingdom or privilege of parliament, may be left to the course of justice; and such as have, or shall fly out of the kingdom upon any such charge, shall be subject to such penalties and forfeitures, as shall be agreed, and imposed by bill, in both houses of parliament. 17. That such persons, as shall be declared in parliament to adhere to any such delinquents, and have thereupon any preferment from your majesty, shall be removed from those preferments; and that such as shall be declared, by both houses of parliament, to have been employed or used as witnesses against delinquents, and have thereupon fallen into your majesty's displeasure, and been put out of their places, shall be restored to their places, and to your majesty's favour. 18. That every person which, being a member of the house of commons in this present parliament, hath been accused of any offence against that house; and, that accusation depending, hath been called upon to the house of lords, in the quality of a peer, shall, by act of parliament, be put out of that house; and that, hereafter, no member of the house of commons, except in case of descent, may, without their consent, be called up to be a peer in the lords house. 19. That no person, which shall hereafter be made a peer of this realm, shall be admitted to have his seat or vote in the house of peers, without the consent of both houses of parliament. 20. That those members of the house of commons, who have, this parliament, been called to the house of peers, except in case of descent, may be excluded from giving their votes in the house of peers, unless both houses of parliament shall assent thereunto. 21. That no member of either house of parliament may be preferred, or displaced, sitting the parliament, to or from any office in the court of the king, queen, or prince, or about any of the king's children or public place of trust in the commonwealth, or to or from the benefit of such place or places, without consent of that house whereof such person shall be a member. 22. That such persons, of either house of parliament, who have been preferred to any such offices or places, during this parliament, may be put out of those offices and places; and that those members of either house of parliament, who, during the parliament, have been put out of any such offices, places, or the benefit thereof, may be restored again to those places and offices, and to the benefit thereof, upon petition of that house whereof they are members. 23. That no office or employment, concerning the justice and government of the kingdom, or your own revenue, or degree of serjeant at law, or custody of any fort or castle, or place of trust, be sold or bestowed for money to be paid to your majesty, or the use or bene-

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fit of any of your servants, or any other; and that it be declared in parliament to be a breach of trust and duty, both to your maj. and the commonwealth, in any of those who, under your majesty, shall have the bestowing of any such place, to take money for the same, either directly or indirectly, by himself or others; and that the laws in force against selling of offices, be duly observed for the time to come, and the penalties thereby incurred not to be discharged by any non-obstante or dispensation; but that men may be preferred for their ability, merit, experience, and other public respects; the people eased of all excessive fees, and unnecessary delays; and the proceedings of justice made more easy, certain, and indifferent than of late they have been. 24. That your majesty would be pleased to discover the names of those persons who advised your maj. to issue out warrants for the sealing of the chambers and studies of the lord Kimbolton, or of any member of the house of commons; and to send the serjeant at arms to the house of commons to demand some of their members; to issue out several warrants under your maj.'s own hand to apprehend those members; your majesty's coming thither in your own royal person; the setting forth of a printed Paper, in the form of a Proclamation, to apprehend those members; the exhibiting of Articles of Treason in the lords house against those members; and who advised and contrived these Arcicles, or informed your maj. of the matter therein contained. 25. That your maj. will be pleased, according to law, not to receive any private information or suggestion against any member of parliament, for things done in parliament; and that you will be pleased to discover the names of those persons who have given, or shall give, any such private information or suggestion to your majesty, upon the humble Petition of the respective houses of parliament, against whose members any such private information or suggestion have been, or shall be given; and that you would be pleased to make a public Declaration and promise, in parliament, to that purpose.—These things being obtained and confirmed by your majesty's princely favour and goodness, they humbly conceive that, through the blessing of God, it will be an assured and effectual means to remove all jealousies and distempers betwixt your maj. and your people, and to establish your royal throne upon the sure foundation of their love and confidence; and thereupon your dutiful and loyal subjects shall most cheerfully address themselves, with their lives and fortunes, to maintain and defend your sacred person, and your royal power and authority; in a parliamentary way to support and supply your maj. in so free and large a manner, as may make you as great and happy a prince as any of your most renowned ancestors; and, upon all occasions, they shall be ready to use their utmost and most faithful endeavours, that your majesty, your royal queen and princely issue, may enjoy all honour, happiness, and contentment in the midst of an humble, obedient, and affectionate people; whereby a hopeful way will be opened for your maj. to become a glorious instrument of the peace and prosperity of this kingdom, and of all your friends and allies abroad."

Mr. Pym's Speech thereupon.] After this his lordship reported further, That Mr. Pym said, "He was commanded by the knights, citizens and burgesses of the house of commons, to present this Declaration, of the Causes and Remedies of the mischiefs of these times, to their lordships; such as require a present remedy rather than a declaration, and afterwards to say something to prepare your lordships consent to it. He said, The mischiefs have been expressed with more danger and violence than many ages heretofore, and therefore their lordships will not wonder that something extraordinary be in the cure; yet the house of commons say they have kept themselves within the bounds of their duty and modesty, as such who are for the advantage of the king as well as of the subject. He said, If these Causes and Remedies be duly considered, in relation to the great distractions of the kingdom, their lordships would think all of them necessary and important, and most of them without exceptions; yet he was commanded to touch upon the principal matters, and remove some Objections; which he would do in few words, as speaking to those whose reasons would prevent discourses.—The first Objection is, 'The naming of ill Counsellors, which might seem as an encroachment upon the prerogative; which the commons, as well as your lordships, will be tender of, so far it stands with the public good, peace, and safety of the kingdom, for which all Powers and Government is framed.' *Answer*, 1. "That antiently, by the laws of this kingdom, the great offices of the realm were to be settled no other way, but with consent of parliament: if the great places are so, it is not strange the lesser should. 2. There is but a recommendation required; they have their authority still from the king. 'Tis known that private advisers are heard, who deserve not the credit which both houses of parliament are of; and so long as these are done by the king's grant, it affirmeth, not opposeth, his prerogative."—The second Objection is to another head of the first Article, 'That all officers should be put out, the innocent as well as the nocent: This may seem hard.' *Answer*, 1. "But this is done to avoid personal taxes, that they may go off in a general throng, who have not deserved well. 2. It will be a means for the more wary carriage of those, who are not yet so clear as to get a confidence with the subjects." The third Objection is to the Articles, 'That all Jesuits and Papists should be removed from the queen. This is liable to an objection of debarring the queen from the exercise of her religion, and that is against the public treaty and faith given; and so may draw some dishonour, and may be an occasion of enmity against us.' *Answer.*

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"That the house of commons considered that the law of God and the law of the land, was only fit for the representatives of the body of the kingdom to judge of; for if there must be idolatry against the law of God, it concerns them much to resist it, less they should incur the divine wrath; and nothing concerns them more than to see the laws of this kingdom executed: herein we may displease Man, we shall not God. For the Public Faith and League, it is less than that with God; we must respect the higher, and not the lower; no contract can oblige against the law of God, neither can any contract bind us against the law of this kingdom."—The fourth Objection is, 'The Queen's taking an Oath.' *Answer.* "The commons desire it may be considered how great and how necessary a desire this is: For the power she hath had, in disposing of offices, is known to all your lordships; and to avoid this they can have no other remedy but some bond and tie upon her conscience. This will argue the solemnity of these desires; and this though it be unusual, the cause is so; the like urgent occasions, since the conquest, we have not had as now."—The fifth Objection is to that which concerned the Marriage of the king's children.' *Answer.* "That we never were in any condition which so pressed us to desire this, as now; and, having found so much danger by marriage with a contrary religion, we should do what we might, to avoid the like for the future; therefore it is necessary that we deal advisedly in this. The children of the king are his, yet they are the children of the kingdom also, and the law looks more to them than to private men's children; and yet even those the laws may restrain for avoiding public inconvenience. He said, Your lordships see religion almost gone within these two years, and if this parliament be not a means to prevent it, it will be gone indeed; and therefore, with relation to religion, this Article is necessary."—The sixth Objection is, 'The Restraint of making Peers, and that those, who were members of the house of commons, should be removed to that house.' *Answer.* "The commons conceive it agreeable to the nature of parliament, which as it is fit for your lordships to desire none should be made, but by your consents, so will the commons desire, for themselves, that none of their body may be taken away, but by their consent; and in the case of assistants in the peers house, taken from the house of commons, they have been remanded by that house in several cases." These are all the particular Objections. Concerning the general Objection, 'That seeing most of these cannot be done without a bill, why is this way taken of a Declaration?'—*Answer,* "That the necessity of the times will not wait for the passing of sundry bills, which must take up some time; but it will be a great comfort to the kingdom to have the king's assent before-hand, and it will much conduce to the settling the minds of men."

This Report being ended, it was ordered, That the matter of it be taken into debate the next morning. But we hear no more of this Declaration for some time; the substance of it was, afterwards, converted into 19 propositions, which were sent to the king, and will fall in their proper place.

Order for bringing the Magazine at Hull up to London.] April 2. This day the house of lords was called over, after which a Message from the commons was received, consisting of several Articles, one of which was an Order of that house, to authorize sir John Hotham, Governor of Hull, to suffer the Magazine of arms and ammunition there, to be embarked and brought to London; to which they desired their lordships concurrence. The lords agreed that this was requisite to be done.

Proceedings against Sandeford for aspersing the Parliament, &c.] Information being given to the lords, That Edw. Sandeford, a taylor, of London, had said, "That the earl of Essex was a traitor; that all the parliament were traitors; that the earl of Warwick was a traitor, and wished his heart in his boots; and that he cursed the parliament and wished Mr. Pym (calling him king Pym) and sir John Hotham, both hanged;" the said Edw. Sandeford was brought to the bar, and asked what he had to alledge in his defence; but not being able to disprove the charge, he and the witnesses against him were ordered to withdraw. Then the house agreed to the following sentence against him: 1. "That the said Sandeford should be fined to our sovereign lord the king, in the sum of 100 marks. 2. That he shall stand on the pillory in Cheapside and Westminster, with a paper on his head declaring his offence. 3. That when he shall be taken off the pillory, in each place, he shall be whipped from thence at a cart's tail; the first day to the Fleet, and the second day to Bridewell. 4. That he shall stand committed to the house of correction in Bridewell, there to be kept to work during his life."

The King refuses to let the Earl of Warwick command the Fleet.] The lord keeper acquainted the house, that he had received a Message from the King, as an Answer to the desires of both houses concerning the earl of Warwick's being made commander of the Fleet; which was read in hæc verba:

"C. R. Right trusty and well-beloved counsellor, we greet you well; We wonder both at the form and matter of that inclosed Paper ye sent us, (in the name of both houses of parliament, in yours of the 28th of March) it being neither by way of petition, declaration, or letter; and, for the matter, we believe it is the first time that the houses of parliament have taken upon them the nomination or recommendation of the chief sea commander; but it adds to the wonder, that sir John Pennington, being already appointed by us for that service, upon the recommendation of our admiral, which is so well known that none can be ignorant of it, and no fault so much as al-

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ledged against him, another should be recommended to us; therefore our resolution upon this point is, That we will not alter him whom we have already appointed to command this year's fleet, whose every way sufficiency is so universally known; the which we are confident our admiral, if there shall be occasion, will make most evident; against whose testimony we suppose our parliament will not except. And though there were yet none appointed, or the said sir John, through some accident, not able to perform the service, yet the men of that profession are so well known to us, besides many other reasons, that, our admiral excepted because of his place, recommendations of that kind would not be acceptable to us. Given at our Court at York, the last day of March, 1642."

The first thing the lords did, after reading this Message, was to order it to be communicated to the commons; the earl of Warwick was next desired to be present in parliament, as a peer of this realm, on Monday the 4th of April next. Soon after a message was brought from the lower house, by sir Henry Vane, jun. to desire their lordships to join with the commons, to require the earl of Northumberland, lord admiral, to depute the earl of Warwick to command this summer's fleet in chief; and that they would enjoin the said earl forthwith to undertake the charge, and put to sea immediately; but this was deferred to be considered of on Monday next. On which day the foregoing affair was taken into consideration, and, after some debate, it was resolved, "That the lord admiral should depute the earl of Warwick as chief commander of the fleet, &c. the following lords entering their names as a Protest against it: Marq. of Hertford; earls of Bath, Devon, Monmouth, Berkshire, Cleveland, and Dover; lords Mowbray, Wentworth, Howard de Charlton, Savile, and Seymour."

After this the lord admiral declared his consent to the desire of both houses to appoint the earl of Warwick; because, he said, it would be for the safety of his majesty and the whole kingdom; and the earl readily submitted to undertake the command. Then it was resolved, that something should be drawn up for their indemnity, and a committee was appointed accordingly.

Further Proceedings in the Trial of Mr. Benyon.] This day Mr. Benyon delivered in his Answer to the Impeachment of the commons, of the 31st of March, importing, his denial of having preferred the Petition there mentioned, with any intent to cross or hinder the Ordinance of parliament concerning the city Militia; or much less to set division between the parliament and the city, &c. He owned that he and one Gardiner, merchant, did draw the said Petition, and that divers citizens did subscribe the same; but denied that it was wickedly or maliciously contrived; or that he, by false and sinister persuasions, did go about to procure any citizen to subscribe, contrary to their own intention and true meaning. That he, being a freeman and citizen of London, had taken an oath to defend and maintain the franchises and customs of the same; and, for above 30 years, had observed that the making and allowing of captains, and ordering of the trained bands and arms within the said city, were, from time to time, directed and disposed by the lord mayor and aldermen, and done by warrant of the lord mayor, for the time being, and not otherwise. Therefore this defendant, conceiving himself bound by the said oath, and not upon any wicked or malicious principles, did draw the said Petition, which he afterwards laid before learned counsel, by whom the same was approved, &c. That, as to the words charged in the Impeachment, to be spoken by him against the parliament and their privileges, he denied them; and said, that he never spoke any other words than such as were lawful and necessary to be used in prosecuting the petitions, which had been some time before preferred to parliament, touching the granting of protections, &c. and on which a bill was then depending in the upper house. He denied also the words charged on him for hindering the loan of money for the public use, and all other circumstances relative thereto.—This Answer being read, the lords ordered the further hearing of this cause to be at the bar of their house the 6th inst.

April 6. The lords proceeded in the trial Mr. Benyon, and the committee of the commons being come up, he was brought to the bar as a delinquent; when Mr. Serj. Wylde desired that the Impeachment against him might be again read; after which Mr. Glynn opened part of his Charge, which he made to consist of two Articles. 1. "Benyon's maliciously contriving, subscribing, procuring, and getting hands to a false, dangerous and seditious Petition, containing therein divers false, scandalous, and seditious matters. 2. For speaking divers false and scandalous speeches in derogation of the privilege of parliament." To prove the first, these witnesses were produced, and deposed as follows: Moss, scrivener, said, 'That Mr. Gardiner brought the Petition to his shop to be subscribed, and Benyon brought many persons along with him to subscribe the same. That he appeared in it more than any other, coming 4 or 5 times a day, to inquire how the subscription went forward. He further said, That he subscribed the said petition himself, because he heard Benyon say that it was approved of by counsel. And he asking Benyon if it was not too late to present the said Petition to parliament, now that the Ordinance for the Militia was settled, he answered, It was not."—Edm. Harvey said, "He went with Benyon to see the said Petition, at Moss's shop; and, after he had read it, he told Benyon he would not subscribe it, because it was full of untruths; for the lord mayor hath no power over the militia, because he cannot draw out any of the Trained Bands, on Shrove-Tuesday, without authority from the king; and further

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he told Benyon, He heard the Ordinance for settling the Militia was passed already in parliament; and therefore thought it would come too late. Benyon answered, That he had taken Mr. Recorder's opinion on the Petition, and he thought it right; and said, it would not come too late."—S. Edmonds and J. Offley deposed much to the same purpose; and for the words, there was only Rob. Stevens produced to prove them.—After this Mr. Glynn observed, "That the time when the Ordinance for the Militia passed in parliament, was the 9th of Feb. last, and the discourse concerning this Petition was on the 19th. That the time when Benyon presented this seditious Petition was, when both houses had declared that the kingdom was in imminent danger. The consequence of this ill example was, that other counties had taken the same boldness to contrive petitions of this nature; and the king's Answer, of Feb. the 28th last, had succeeded it. For these great crimes and misdemeanors the committee desired, in the behalf of the house of commons, that their lordships would give some severe judgment against the said Benyon."

Mr. Benyon then made it his humble desire, That he might answer by his counsel; and that the same witnesses, which were produced now against him, might be present when his defence was made; and he to have liberty to cross-examine them; which was granted, and ordered that this cause be further proceeded in at 3 this afternoon.

April 6. p. m. The commons sent up a message to inform the lords, That sir Edw. Dering, being committed to the custody of the serjeant, had made his escape: they therefore desired that some speedy course might be taken to stop him at the ports and bring him back; which the lords ordered accordingly. They then proceeded in Mr. Benyon's cause; when divers witnesses were produced to shew, That there was nothing of sedition or malice in Benyon, in the management of the Petition, as is charged; but that, by the command of the lord mayor, he advised with the recorder about it, who approved of it both for the legal and customary part. He likewise shewed, that the practice had been for the lord mayor of London to make choice of the trained bands belonging to the city. To the second part of his Charge, concerning scandalous words, he proved, by 4 other witnesses, that he spoke no such words as were charged against him.

April 7. The lords took into serious consideration the Impeachment against Benyon, and likewise his Answer and Defence; and, after several questions, at last resolved on the following Sentence against him. 1. "That the said Benyon, for the first offence charged, (the second, for words being dropped) shall be disfranchised the city of London. 2. That he shall for ever, hereafter, be incapable of bearing any place or office in the commonwealth. 3. That he shall be fined 3000*l.* to the king. 4. That he shall be imprisoned in the castle of Colchester for 2 years; and, after that time, to find such sureties for his behaviour as this house shall think fit.* All which sentence, in the presence of the commons, was pronounced against him. The same day, the commons sent up an Impeachment against sir Wm. Wilmer, knt. then high sheriff of the county of Northampton, for high crimes and misdemeanors, for breaking the privileges of parliament, and for endeavouring to disturb the peace of the kingdom by seditious words and actions. The principal complaint against this gentleman was, for publishing, by virtue of his majesty's warrant, a printed Book, entitled, 'Several Petitions and Messages of Parliament, concerning the Militia of the Kingdom, with his majesty's Answers thereto,' and granting a warrant of his own to enforce it. All which the said gentleman had confessed; but the farther consideration of this affair was deferred to another time.

Order concerning a further Reformation in the Church.] April 8. The commons sent up an Order concerning reforming some Innovations in the Church, to which they desired their lordships concurrence. The order was to this effect: "That the lords and commons did declare, That they intended a due and necessary Reformation of the government and liturgy of the Church, and to take away nothing, in the one or the other, but what shall be evil and justly offensive, or, at least, unnecessary and burthensome; and for the better effecting thereof, speedily to have consultation with godly and learned divines. Likewise to establish learned, and preaching ministers, with good sufficient maintenance throughout the kingdom, &c. Agreed to, and ordered to be printed.

A Conference about removing the Garrison of Hull.] A conference was held this day between the two houses, the report of which was, "That the commons did not see any reason to alter their Resolution for removing the arms and ammunition from Hull to London; it being so far remote, and the king at such a distance, it would retard the business to send to him, and delay would prove very prejudicial to so important a business as requires haste: the kingdom was at that time in imminent danger, and the North part of it they conceive to be in the most: that it was a great charge to keep a garrison of 900 men in that town: and it would be fruitless to send to his majesty about it, as they conceive, having had so many denials of late of their just demands."—The lords entered into a debate on this Message, and it was resolved, to adhere to their former Vote concerning Hull; which was, not to remove the Magazine there without the king's consent.

* Lord Clarendon says, That the reasons of Mr. Benyon's being committed to Colchester goal was, because his reputation was so great in London, that they would not trust him in a city prison.

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April 9. This Resolution being communicated to the lower house, they desired, the next day, another conference on this subject; in the mean while the lords appointed a committee to draw up some Reasons to offer to the commons, for their refusal to join with them in this last affair; which were to this purpose: "That as it had ever been the course which, in cases of like nature, the houses have formerly used, the lords do conceive it convenient to observe the same in this particular; because they find there is that malignity in the counsels and endeavours of many ill-affected persons, that they seek and wait for nothing more than occasion to asperse the proceedings of parliament; which evil and dangerous practice will, by this way, be best prevented." These Reasons being made known to the commons, they, at last, agreed to join with the lords in an humble Petition to the king, to remove the Magazine from Hull; which was done accordingly. But, at the same, they annexed to it another Petition, That the six Popish Priests, who had now lain long under condemnation, might be executed.

A Voluntary Gift of 6000l. to the Speaker of the House of Commons.] William Lenthall, esq. Speaker of the house of commons, having complained to that house, that his strict and long attendance on them had very much hurt him, both in his body and estate, 6000*l.* were this day voted, as a voluntary gift to him; which, though they said, it was but a small recompence to him, yet, hereafter, they would be ready to express a further thankfulness. Hereupon the Speaker rose up, and returned his thanks to the house; assuring them that as he had hitherto done, so he would continue to serve them to the best of his abilities.

The King's Proposal to go into Ireland, to quell the Rebellion.] April 11. The lord keeper delivered a Letter, directed to himself, from the king, and another inclosed to the lords; the latter of which was instantly read, in hæc verba:

"His majesty being grieved at the very soul for the calamities of his good subjects of Ireland, and being most tenderly sensible of the false and scandalous reports dispersed amongst the people, concerning the Rebellion there; which not only wounds his maj. in honour, but likewise greatly retards the reducing of that unhappy kingdom, and multiplies the distractions at home, by weakening the mutual confidence between him and his people; out of his pious zeal to the honour of Almighty God, in establishing the true Protestant profession in that kingdom, and his princely care for the good of all his dominions, hath firmly resolved, with all convenient speed, to go into Ireland, to chastise those wicked and detestable rebels; (odious to God and all good men) thereby so to settle the peace of that kingdom, and the security of this, that the very name of Fears and Jealousies may be no more heard of amongst us.—As his maj. doubts not but that his parliament will chearfully give all possible assistance to this good work; so he requires them, and all his loving subjects, to believe that he shall, upon these considerations, as earnestly pursue this design, (not declining any hazard of his person in performing that duty which he oweth to the defence of God's true religion, and his distressed subjects) as for these and only these ends he undertakes it; to the sincerity of which profession he calls God to witness; with this farther assurance, That his maj. will never consent, upon any pretence whatsoever, to a toleration of the Popish profession there, or the abolition of the laws now in force against Popish recusants in that kingdom.—His maj. hath farther thought fit to advertise his parliament, that, towards this work, he intends to raise forthwith, by his commissions, in the counties near West-Chester, a guard for his own person, (when he shall come into Ireland) consisting of 2000 foot and 200 horse, which shall be armed at West-Chester from his Magazine at Hull: At which time all the officers and soldiers shall take the oaths of supremacy and allegiance. The charge of raising and paying whereof his maj. desires his parliament to add to their former undertakings for that war; which his maj. will well accept; but if their pay be found too great a burden to his good subjects, his maj. will be willing, by the advice of his parliament, to sell or pawn any of his parks, lands, or houses towards the supplies for the service of Ireland: With the addition of these levies to the former of English and Scots agreed upon in parliament, he hopes so to appear in this action, that, by the assistance of Almighty God, in a short time that kingdom may be wholly reduced, and restored to peace and some measure of happiness; whereby he may chearfully return to be welcomed home with the affections and blessings of all his good English people.—Towards this good work, as his maj. hath lately made dispatches unto Scotland, to quicken the levies there for Ulster; so he heartily wishes that his parliament here would give all possible expedition to those which they have resolved for Munster and Connaught; and hopes the encouragement which the adventurers (of whose interest his maj. will always be very careful) will hereby receive, (as likewise by the late signing of a commission for the affairs of Ireland, to such persons as were recommended to him by both houses of parliament) will raise full sums of money for the doing thereof.—His majesty hath been likewise pleased (out of his earnest desire to remove all occasions, which do unhappily multiply misunderstandings between him and his parliament) to prepare a bill to be offered to them by his attorney concerning the Militia; whereby he hopes the peace and safety of this kingdom may be fully secured, to the general satisfaction of all men, without violation of his majesty's just rights, or prejudice to the liberty of the subject. If this shall be thankfully received, he is glad of it; if refused, he calls God and all the world to judge on whose part the default is. One thing

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his maj. requires, if this bill be approved of, that if any corporation shall make their lawful rights appear, they may be reserved unto them. Before his maj. shall part from England, he will take all due care to intrust such persons with such authority in his absence, as he shall find to be requisite for the peace and safety of this kingdom, and the happy progress of this parliament."

This Message from the king was communicated to the commons at a conference this day; and, soon after, that house sent up word to the lords, That they had taken the Message into consideration; and, judging of it with their lordships, that it was a matter of great importance, they agree with them that it requires time to answer it. On which the lords adjourned till the next day.

The King requires the earls of Essex and Holland to attend him at York, or to quit their Offices.] April 12. The earl of Essex, lord chamberlain, acquainted the house, That having formerly received a Message from his majesty, to give his attendance upon him at York, their lordships thought fit to command him to attend the great affairs then depending in this house. Since which his lordship had received another letter from the king, either to attend him at York, or else to deliver the ensigns of his office to the lord Falkland, which his lordship thought it his duty to lay before the house. The Letter was read in these words:

"Right Trusty and Well-beloved Cousin and Counsellor, we greet you well: We are so much unsatisfied with the excuse you made for not obeying our command, for your attendance on us here, according to the duty of your place in our household, that we thought good, by these our letters, to second our former command; and that you may be the more inexcusable, we have accompanied our said command with our licence and dispensation inclosed for your absence from parliament, willing and commanding you, all delays and excuses set apart, to attend us here before the 18th of this month, when we have appointed to keep St. George's Feast. Or, in case you shall persist in your disobedience, we then require and command you to deliver up into the hands of the lord Falkland, one of our principal secretaries of state, for our use, the ensigns of your office; which, when we last parted from Whitehall, you offered to resign to us, rather than you would, at that time as we commanded you, wait on us so far as Hampton-Court; but we did then, of our grace and favour, wish you to consider of it, in hopes you would, upon further consideration, not have seconded that disobedience. Given at our Court at York, April the 9th, 1642."

The earl of Holland next acquainted the house that the king had sent him another letter, to the same purport as the former, either to attend his majesty at York, as groom of the stole, or else to resign up the ensigns of his place to the lord Falkland. The two earls then made a narrative of the whole business concerning their taking leave of his majesty at Whitehall, the day he went to Hampton-Court; and how they were commanded by the committee, who then sat at Grocers Hall, in London, about the great business of the kingdom, to attend that committee. They then desired to know, Whether the house would give them leave to attend his majesty at York or not?

Resolutions in consequence thereof.] The lords went into a debate on this matter; and, afterwards, resolved to command the two earls attendance on this house, on the great and urgent affairs now depending in parliament, notwithstanding his majesty's letters and dispensations; and they obeying this order, went forth and delivered up the ensigns of their places to the lord Falkland. The lord keeper Littleton was, first, appointed by the king for the ungrateful office of demanding their resignations; but, at his most earnest intreaty, was excused; and so it fell upon the former as secretary of state.—The lords considering this business to be a matter of great importance, as concerning the honour and privilege of parliament, and that the earls of Essex and Holland had done nothing but what they ought to have done, in obeying the commands of the house, took it into serious debate, and made the following resolutions: 1. "That the Attendance of the earls of Essex and Holland on this house, according to the order of this house, is no disobedience to the king's command. 2. That the removing of the said earls from their places in court, only because they obeyed the orders and commands of this house in their attendance here in parliament, according to his majesty's writ of summons to it, is against the privileges of parliament. 3. That the king's licence and dispensation, under his privy signet and sign manual, for any lords absence from parliament, when the house shall command him to attend, cannot discharge his attendance on the said house. 4. That any lord's disobeying the commands of this house, to give his attendance here, notwithstanding any licence or dispensation, as aforesaid, is punishable by this house. 5. To have a conference with the commons about this business."

April 13. The lords took into consideration the king's last Message, about his going into Ireland, and after a long and serious debate, it was resolved, nem. con. "That it is most dangerous and unsafe; and that this house cannot consent unto his majesty's going to Ireland." Ordered, That this vote be communicated to the commons, and that they be desired to appoint a committee to join with one from the lords, to take into consideration this vote and the king's Message, in all points excepting that concerning the Militia.

April 15. The lord keeper reported the effect of a conference held yesterday, That the commons did return the votes they had from their lordships, concerning the earls of Essex and Holland, agreed to by them, with some Alterations and Additions, to which they desired their lordships concurrence. The most

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material of these were, 1. "That they had voted the sending licences and dispensations from the king, to discharge the said earls from their attendance on parliament, was a high breach of privilege; and the displacing of those noblemen, at this time and on this occasion, was an injury to the parliament and the whole kingdom. 2. That what person soever shall accept of either of those offices, thus taken away, until satisfaction be given to the parliament, shall be accounted to do an ignoble act, and to offer an affront to parliament; and thereby render himself unworthy of any place of honour or trust in the common-wealth. 3. That these proceedings are the effect of evil counsel, to discourage good men from doing their duty; and tend to increase the division between the king and his people, and to the disturbance of the peace of the kingdom." All which additional Resolutions were agreed to by the lords.

Petition from both Houses to the King, against his going to Ireland.] The lord keeper further reported, That Mr. Pym presented a draught of a Petition to be sent to the king, containing some Reasons against his going into Ireland; which was read as follows:

"May it please your majesty; Your most loyal and faithful subjects, the lords and commons in parliament, have duly considered the Message received from your majesty, concerning your purpose of going into Ireland, in your own person, to prosecute the war there with the bodies of your English subjects, levied, transported, and maintained at their charge; which you are pleased to propound to us, not as a matter wherein your maj. desires the advice of your parliament, but as already firmly resolved on, and forthwith to be put into execution; by granting out commissions for the levying of 2000 foot and 200 horse, for a guard for your person when you shall come into that kingdom: Herein we cannot chuse but, with all reverence and humility to your majesty, observe, that you have declined your great council the parliament, and varied from the usual course of your royal predecessors; in that a business of so great importance, concerning the peace and safety of your subjects, and wherein they have a special interest by your majesty's promise, and by those great sums which they have disbursed, and for which they stand engaged, should be concluded and undertaken, without their advice: Whereupon we hold it our duty to declare, That if, at this time, your maj. shall go into Ireland, you will very much endanger the safety of your royal person and kingdoms, and of all other states professing the Protestant religion in Christendom; and make way to that cruel and bloody design of the Papists, every where to root out and destroy the reformed religion; as the Irish Papists have, in a great part, already effected in that kingdom, and, in all likelihood, would quickly be attempted in other places, if the consideration of the strength and union of the two nations of England and Scotland did not much hinder and discourage the execution of any such design. And, that we may manifest to your majesty the danger and misery which such a journey and enterprize would produce, we present to your majesty the Reasons of this our humble opinion and advice: 1. Your royal person will be subject not only to the casualty of war, but to secret practices and conspiracies; especially your maj. continuing your profession to maintain the Protestant religion in that kingdom, which the Papists are generally bound by their vow to extirpate. 2. It will exceedingly encourage the rebels, who do generally profess and declare that your maj. doth favour and allow their proceedings, and that this insurrection was undertaken by the warrant of your commission; and it will make good their expectation of great advantage by your majesty's presence, at a time of so much distraction in this kingdom, whereby they may hope we shall be disabled to supply the war there; especially there appearing less necessity of your majesty's journey at this time, by reason of the manifold successes which God hath given us against them. 3. It will much hinder and impair the means whereby this war is to be supported, and increase the charge of it; and, in both these respects, make it more insupportable to your subjects: and this we can confidently affirm, because many of the adventurers, who have already subscribed, do, upon the knowledge of your majesty's intentions, declare their resolutions not to pay in their money; and others, very willing to have subscribed, do now profess the contrary. 4. Your majesty's absence must necessarily very much interrupt the proceedings of parliament; and deprive the subject of the benefit of those further acts of grace and justice, which they shall humbly expect from your majesty, for the establishing of a perfect union and mutual confidence betwixt your maj. and your people, and procuring and confirming the prosperity and happiness of both. 5. It will exceedingly increase the jealousies and fears of your people, and render their doubts more probable, of some force intended by some evil counsels near your majesty, in opposition to the parliament, and in favour of the malignant party of the kingdom. 6. It will bereave your parliament of that advantage, whereby they were induced to undertake this war, upon your majesty's promise that it should be managed by their advice; which cannot be done if your majesty, contrary to their counsels, shall undertake to order and govern it in your own person.—Upon which, and divers other Reasons, we have resolved, by the full and concurring agreement of both houses, that we cannot, with the duty which belongs to us, consent to any levies, or raising of soldiers to be made by your majesty, for your intended expedition into Ireland; or to the payment of any army or soldiers there, but such as shall be employed and governed according to our advice and direction: and if

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such levies shall be made by any such commission of your majesty, not agreed to by both houses of parliament, we shall be forced to interpret the same to be raised to the terror of your people, and disturbance of the public peace; and hold ourselves bound by the laws of the kingdom, to apply the authority of parliament to suppress the same.—And we do further most humbly declare, That if your maj. shall, by ill counsel, be persuaded to go contrary to this advice of your parliament, which we hope your maj. will not, we do not, in that case, hold ourselves bound to submit to any commissioners which your maj. shall chuse; but do resolve to preserve and govern the kingdom by the counsel and advice of parliament, for your maj. and your posterity, according to our allegiance and the law of the land.—Wherefore we most humbly pray and advise your maj. to desist from this your intended passage into Ireland, and from all preparation of men and arms tending thereunto, and to leave the managing of that war to your parliament; according to your majesty's promise made unto us, and your royal commission granted under your great seal of England, by advice of both houses; in prosecution whereof, by God's blessing, we have made a prosperous entrance by many defeats of the rebels, whereby they are much weakened and disheartened, and have no probable means of subsistance; and, if our proceedings shall not be interrupted by this interposition of your majesty's journey, we may hope, upon good grounds, that within a short time, (without hazard of your majesty's person, and so much dangerous confusion to your kingdoms, which must needs ensue, if you should proceed in this resolution) we shall be enabled fully to vindicate your majesty's right and authority in that kingdom; punish those horrible and outrageous cruelties which have been committed in the murdering and spoiling so many of your subjects; and bring that realm to such a condition as may be much for the advantage of your maj. and this crown, the honour of your government, and contentment of your people: for the better and more speedy effecting whereof, we do again renew our humble desires of your return to your parliament; and that you will please to reject all counsels and apprehensions which may any way derogate from that faithfulness and allegiance, which, in truth and sincerity, we have always borne and professed to your majesty, and shall ever make good to the utmost, with our lives and fortunes."

After the reading of this Petition, the lords resolved, That they agreed with the commons in the whole of it, excepting one expression, which was in the original, viz. 'And to desert the government and protection of your people, in this time of great danger and necessities, of the kingdom;' which, upon this Remonstrance, the commons thought fit to expunge. Then the said Petition was ordered to be sent to the king at York.

Another Resolution of the commons was read and agreed to by the lords, which was, "That, in respect of the great fears and distractions of this kingdom, and for the security of his majesty's good subjects; and in regard that he has committed the managing of the wars in Ireland to the parliament; if any man shall endeavour to raise forces, for Ireland, otherwise, or continue any forces so raised, without consent of both houses of parliament, it is declared, That he is an enemy to the state, and liable to the censure of parliament." This vote to be sent to all sheriffs, to suppress and hinder all those that shall endeavour to raise forces contrary to it; as, also, to sir John Hotham, at Hull, and to require him to observe the orders formerly given him.

The King's Message relating to the Garrison at Hull, &c.] April 16. The lord keeper acquainted the house, that he had received a Letter from the King, with a Message inclosed, which he was commanded to communicate to both houses of parliament. It was to this effect:

"We rather expected, and have done so long, that you should have given us an account why a Garrison hath been placed in our town of Hull, without our consent, and soldiers billeted there against law and the express words of the Petition of Right, than to be moved (for the avoiding of a needless charge you have put upon yourselves) to give our consent for the removal of our Magazine and Munition, (our own proper goods) upon such general reasons, as indeed give no satisfaction to our judgment: and since you have made the business of Hull your argument, we would gladly be informed, why our own inclination, on the general rumour of the designs of Papists in the Northern parts, was not thought sufficient grounds for us to put a person of honour, fortune, and unblemished reputation, into a town and fort of our own, where our own magazine lay; and yet the same rumour be warrant enough for you to commit the same town and fort, without our consent, to the hands of sir John Hotham, with a power unagreeable to the law of the land, or the liberty of the subject; and yet of this, in point of right or privilege, (for sure we are not without privilege too) we have not all this while complained; and being confident that that place (whatsoever discourse there is of public or private instructions to the contrary) shall be speedily given up, if we shall require it; we shall be contented to dispose our ammunition there, as we have done in other places, for the publick ease and benefit, as, upon particular advice, we shall find convenient; though we cannot think it fit or consent that the whole Magazine be removed together; but when you shall agree upon such proportions as shall be held necessary for any particular service, we shall sign such warrants as shall be agreeable to wisdom and reason: and if any of them be designed for Ulster or Leinster, you know well the conveyance will be more easy and convenient from the place they now are in. Yet we must tell you, that if the fears are so great from the Papists at home, or

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of Foreign force, as is pretended, it seems strange that you make not provision of arms and munition for defence of this kingdom, rather than seek to carry any more from hence, without some course taken for supply; especially if you remember your engagement to our Scots subjects, for that proportion of arms which is contained in our treaty. We speak not this, as not thinking the sending of arms to Ireland very necessary, but only for the way of the provision; for you know what great quantities we have assigned out of our several stores, which, in due time, we hope you will see replenished. For the charge of looking to the Magazine at Hull, as it was undertaken voluntarily by you at first, and, to say no more, unnecessarily; so you may free our good people of that charge, and leave it to us to look to, who are the proper owner of it: and this, we hope, will give you full satisfaction in this point; and that you do not, as you have done in the business of the Militia, send this Message out of complimental ceremony, resolving to be your own carvers at last: for we must tell you, if any attempt, or direction, shall be made, or given, in this matter, without our consent or approbation, we shall esteem it as an act of violence against us; and declare it to all the world as the greatest violation of our right, and breach of our privilege.—Concerning the six Priests condemned; it is true they were reprieved by our warrant, being informed that they were, by some restraint, disabled to take the benefit of our former proclamation: since that we have issued out another for the due execution of the laws against Papists; and have most solemnly promised on the word of a king, never to pardon any priest, without your consent, which shall be found guilty by law; desiring to banish these, having herewith sent a warrant to that purpose, if, upon second thoughts you do not disapprove thereof; but if you think the execution of these persons so very necessary to the great and pious work of reformation, we refer it wholly to you; declaring hereby, that, upon such your resolution, signified to the ministers of justice, our warrant for their reprieve is determined, and the law to have its free course.—And now let us ask you (for we are willing to husband time, and to dispatch as much as may be under one Message; God knows the distractions of this kingdom want a remedy) will there never be a time to offer to, as well as to ask, of us? We will propose no more particulars to you, having no luck to please or be understood by you. Take your own time for what concerns our particular; but be sure you have an early speedy care of the public; that is, of the only rule which preserves the public, the law of the land; preserve the dignity and reverence due to that. It was well said in a Speech made by a private person, but published by order of the house of commons this parliament, "The law is that which puts a difference betwixt good and evil, betwixt just and unjust. If you take away the law, all things will fall into confusion; every man will become a law to himself; which, in the depraved condition of human nature, must needs produce many great enormities: lust will become a law, and envy will become a law; covetousness and ambition will become laws; and what dictates, what decisions, such laws will produce, may easily be discerned.' So said that gentleman, and much more very well, in defence of the law and against arbitrary power: It is worth looking over and considering. And if the most zealous defence of the true Protestant profession, and the most resolved protection of the law, be the most necessary duty of a prince, we cannot believe this miserable distance and misunderstanding can be long continued between us; we having, often and earnestly, declared them to be the chiefest desires of our soul, and the end and rule of all our actions.—For Ireland; we have sufficiently, and we hope satisfactorily, expressed to all our good subjects our hearty sense of that sad business, in our several Messages on that argument; but especially in our last of the 8th of this month, concerning our resolution for that service; for the speedy, honourable, and full performance whereof, we conjure you to yield all possible assistance and present advice."

After the reading of this Message, a conference was desired with the commons about it, being a matter, as they termed it, of dangerous consequence; and a committee of lords were appointed to draw up heads for that purpose. Who soon after, brought in the following: "To let the commons know, that this house has resolved, That it is necessary the Magazine at Hull be removed to the Tower of London; because they believe that those evil counsellors, who advised this Answer, wherein there is a threatening of the parliament, and an unjust charge of violation of the laws, have a design to stay those arms there; that they may make use of them to the disturbance of the peace of the kingdom, and the ruin and subversion of it. To desire a committee of both houses may be appointed to draw up the Reasons, which induced the houses to desire the Magazine might be removed from Hull; resolving to publish them, with their Petition to the king, and his answer to it."—This proposition was agreed to by the commons.

April 18. Two votes of the commons were sent up to the lords concerning Hull, to which they desired their lordships concurrence: 1. "To urge the necessity of removing the Magazine there: 2. To indemnify sir J. Hotham and his son, and all other persons under their command, for doing what they had already done; and that they should have the assistance of parliament against any inconveniences they might incur by yielding obedience to their command, in this necessary and important service." Agreed to; the earls of Bath, Monmouth, Cleveland, and Dover, with the lords Mowbray, Grey, Howard, and Savile, dissenting.

April 22. A letter from the earl of Stamford

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to the lord keeper was read, importing his majesty's present Answer to the parliament's last Petition to him, "That he had thought something of it, and is much unsatisfied with many expressions therein: that he would shortly send to his parliament a particular Answer; but, for the present, he was resolved to do nothing concerning the Irish journey until they should hear from him again."

Sentence pronounced against the Attorney General.] April 23. A message was sent to the commons, to let them know that their lordships were ready to give Judgment against Mr. Attorney-General, if they would come, with their Speaker, to demand it. Accordingly the commons being come up, and the peers in their robes, the lord chief justice of the common pleas, in the absence of the lord keeper, pronounced Sentence upon him as follows:

"Whereas sir Edw. Herbert, knight, his majesty's Attorney General, hath been impeached by the knights, citizens, and burgesses of the house of commons, for the advising, contriving, and publishing certain false, scandalous, and malicious Articles of High Treason against the lord Kimbolton, one of the members of the house of peers; sir A. Haslerig, D. Hollis, John Pym, John Hampden, and William Strode, esqrs. being then, and yet, members of the house of commons; and for causing Articles of High Treason to be entered into the clerk's book of the said house of peers, which was done against the privileges of parliament, tending to the subversion of the antient rights and being of parliaments, and against the liberty of the subject, and contrary to his oath and the laws of this realm: The lords, having taken the said Charge into due consideration, do find him guilty of exhibiting the said Articles unto the house of peers, and causing the same to be entered in the clerk's book of the said house; intending thereby falsely, unlawfully, and maliciously to deprive the said houses of the said several members; all which doings were, and are, high breaches of the privileges of parliament tending to the subversion of the antient rights and being of parliaments, and contrary to the liberty of the subject, and are of great scandal to his maj. and his government, and against the laws of this realm; for which offences this high court doth award and adjudge, 1. That the said sir E. Herbert, his majesty's Attorney-General, is, by sentence of this house, disabled, and made incapable of being a member-assistant, or pleader, in either house of parliament, and of all offices, saving that of Attorney-general, which he now holds. 2. That Mr. Attorney-General shall be forthwith committed to the prison of the Fleet during the pleasure of this house."

The King's Answer to the Petition against his going to Ireland.] April 25. The lord keeper signified to the house, that he had received two letters from the king, wherein were two Messages inclosed, which he was commanded to communicate to the house, and they were read accordingly. The first was this;

"We are so troubled and astonished to find the unexpected reception and misunderstanding of our Message, of the 8th of April, concerning our Irish Journey; that being so much disappointed of the approbation and thanks we looked for to that Declaration, we have great cause to doubt, whether it be in our power to say or do any thing which shall not fall within the like interpretation. But as we have, in that Message, called God to witness the sincerity of the profession of our only ends for the undertaking that Journey; so we must appeal to all our good subjects and the whole world, whether the reasons alledged against that Journey be of weight to satisfy our understanding, or the counsel presented to dissuade us from it be full of that duty as is like to prevail over our affections.—For our resolving of so great a business without the advice of our parliament, we must remember you how often, by our Messages, we made the same offer, if you shall advise us thereunto; to which you never gave us the least Answer; but in your late Declartion told us, That ye were not to be satisfied with words; so that we had reason to conceive you rather avoided, out of regard to our person, to give us counsel to run that hazard, than that you disapproved the inclination. And what greater comfort, or security, can the Protestants of Christendom receive, than by seeing a Protestant King venture and engage his person for the defence of that profession, and the suppression of Popery, to which we solemnly protested, in that Message, never to grant a Toleration upon what pretence soever, or an abolition of any of the laws there in force against the professors of it. And when we consider the great calamities, and unheard of cruelties our poor Protestant subjects in that kingdom have undergone for the space of near or full six months; the growth and increase of the strength of those barbarous rebels, and the evident probability of foreign supplies, if they are not speedily suppressed; the very slow succours hitherto sent them from hence; that the officers of several regiments, who have long time been allowed entertainment from you for that service, have not raised any supply or succour for that kingdom; that many troops of horse have long laid near Chester untransported; that the lord lieutenant of Ireland, on whom we relied principally for the conduct and managing of affairs there, is still in this kingdom; notwithstanding our earnestness expressed that he should repair to his command. And when we consider the many and great scandals raised upon ourself by report of the rebels, and not sufficiently discountenanced here, notwithstanding so many professions of ours: And had seen a Book, lately printed by the order of the house of commons, intitled, 'A Remonstrance of divers remarkable Passages concerning the Church and Kingdom of Ireland;' wherein some examinations are set down, which how improbable or impossible soever, may make an impression in the

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minds of many of our weak subjects. And lastly, when we duly weigh the dishonour which will perpetually lie upon this kingdom, if full and speedy relief be not dispatched thither: we could not, nor cannot, think of a better way to discharge our duty to Almighty God, for the defence of the true Protestant profession; or to manifest our affection to our three kingdoms, for their preservation, than by engaging our person in this expedition; as many of our royal progenitors have done, even in foreign parts, upon causes of less importance and piety, with great honour to themselves and advantage to this kingdom: and therefore we expected, at least, thanks for such our inclination—For the Danger to our Person; we conceive it necessary and worthy a king to adventure his life to preserve his kingdom; neither can it be imagined that we will sit still, and suffer our kingdoms to be lost, and our good Protestant subjects to be massacred, without exposing our own person to the utmost hazard for their relief and preservation; our life, when it was most pleasant, being nothing so precious to us as it is, and shall be, to govern and preserve our people with honour and justice. —For any Encouragement to the Rebels, because of the reports they raised: we cannot conceive that the rebels are capable of a greater terror, than by the presence of their lawful king in the head of an army to chastise them: besides, it will be an unspeakable advantage to them, if any reports of theirs could hinder us from doing any thing which were fit for us to do if such reports were not raised: This would quickly teach them, in this jealous age, to prevent, by such reports, any other persons, coming against them, whom they had no mind should be so employed.—We marvel that the adventurers, whose advantage was the principal motive, next the reason before mentioned, to us, should so much mistake our purpose, whose interest we conceive must be much improved by the expedition, which we hope, by God's blessing, to use in this service; this being the most probable way for the speedy conquest of the rebels: their lands are sufficiently secured by act of parliament.—We think not ourself kindly used, that the Addition of so few men to your levies, for a Guard to our person in Ireland, should be thought fit for your refusal: and much more, that having used so many cautions in that Message, both in the smallness of the number; in our having raised none until your Answer; in their being to be raised only near their place of shipping; in their being there to be armed, and that, not till they were ready to be shipped; in the provision, by the oaths, That none of them should be Papists; (all which appears sufficient to destroy all grounds of jealousy, of any force intended by them in opposition to the parliament, or favour to any malignant party) any suspicion should, notwithstanding, be grounded upon it.—Neither can it be understood, when we recommended the managing of that war to you, That we intended to exclude ourself, or not to be concerned in your councils; that if we found any expedient, (which in our conscience or understanding we thought necessary for that great work) we might not put it in practice: we look upon you as our great council, whose advice we always have and will, with great regard and deliberation, weigh and consider. But we look upon ourself, as neither deprived of our understanding, or divested of any right we had, if there were no parliament sitting. We called you together by our own writ and authority, (without which you could not have met) to give us faithful counsel about our great affairs; but we resigned not up our own interest and freedom. We never subjected ourself to your absolute determination. We have always weighed your counsels, as proceeding from a body intrusted by us: and when we have dissented from you, we have returned you the reasons, which have prevailed with our conscience and understanding, with that candour as a prince should use towards his subjects, and that affection which a father can express to his children. What application hath been used to rectify our understanding by reasons, or what motives have been given to persuade our affections, we leave all the world to judge; and then we must tell you, howsoever a major part may bind you in matter of opinion; we hold ourself (and we are sure the law, and the constitution of the kingdom, hath always held the same) as free to dissent (till our reason be convinced for the general good) as if you delivered no opinion.—For our Journey itself, the circumstances of your Petition are such, as we know not well what Answer to return, or whether it were best to give any. That part which pretends to carry reason with it, doth no way satisfy us: the other, which is rather reprehension and menace than advice, cannot stagger us. Our Answer therefore is, That we shall be very glad to find the work of Ireland so easy as you seem to think it, which did not so appear by any thing known to us, when we sent our Message. And though we will never refuse, or be unwilling to venture our person, for the good and safety of our people; we are not so weary of our life, as to hazard it impertinently. And therefore, since you seem to have received advertisements of some late and great successes in that kingdom, we will stay some time to see the event of those, and not pursue this resolution till we have given you a second notice. But if we find the miserable condition of our poor subjects of that kingdom be not speedily relieved, we will, with God's assistance, visit them with succours, as our particular credit and interest can supply us with, if you refuse to join with us. And we doubt not but the levies we shall make (in which we will observe punctually the former, and all other cautions, as may best prevent all fears and jealousies, and to use no power but what is legal) will be so much to the satisfaction of our subjects, as no person will dare presume to resist our commands, and if they should, at their peril. In the mean time, we hope our for-

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wardness, so remarkable to that service, shall be notorious to all the world, and that all scandals laid on us in that business shall be clearly wiped away.—We were so careful that our Journey into Ireland should not interrupt the proceedings of parliament; nor deprive our subjects of any acts of justice, or further acts of grace, for the real benefit of our people; That we made a free offer of leaving such power behind, as should not only be necessary for the peace and safety of the kingdom; but fully provide for the happy progress of the parliament. And therefore we cannot but wonder, since such power hath been always left here by commission for the government of this kingdom, when our progenitors have been out of the same, during the sitting of parliaments: and since yourselves desired that such a power might be left here by us at our last going into Scotland, what law of the land you have now found to dispense with you from submitting to such authority, legally derived from us, in our absence, and to enable you to govern this kingdom by your own mere authority!—For our Return towards London, we have given you so full an Answer in our last Declaration, and in Answer to your Petition presented to us at York, the 26th of March last, that we know not what to add, if you will not provide for our security with you; nor agree to remove to another place, where there may not be the same danger to us: we expected that (since we have been so particular in the causes and grounds of our fears) you should have sent us word, that you had published such Declarations against future tumults, and unlawful assemblies; and taken such courses for the suppressing of seditious Sermons and Pamphlets, that our fears of that kind might be laid aside, before you should press our return.—To conclude; we could wish that you would, with the same strictness and severity, weigh and examine your messages and expressions to us, as you do those you receive from us; for we are very confident, that if you examine our rights and privileges, by what our predecessors have enjoyed; and your own addresses, by the usual courses of your ancestors; ye will find many expressions in this Petition warranted only by your own authority; which indeed we forbear to take notice of or to give Answer to, lest we should be tempted, in a just indignation, to express a greater passion than we are yet willing to put on. God, in his good time, we hope, will so inform the hearts of all our subjects, that we shall recover from the mischief and danger of this distemper, on whose good pleasure we will wait with all patience and humility."

The foregoing Message was ordered to be sent down to the commons.

A Paper dispersed about, concerning the Nature of Allegiance.] The king's second Message was occasioned by a printed Paper, then industriously dispersed over the kingdom, concerning the regal power in the Militia; which we give as follows, from Husband's Collections; they not being in the Journals,

"A QUESTION answered: How LAWS are to be understood, and OBEDIENCE yielded: Necessary for the present State of Things, touching the MILITIA.

"Question: Now, in our extreme distractions, when foreign forces threaten, and, probably, are invited, and a malignant and Popish party at home offended; the Devil hath cast a bone, and raised a contestation between the king and parliament, touching the Militia. His majesty claims the disposing of it to be in him, by the right of law; the parliament saith, Rebus sic stantibus, et nolente rege, the ordering of it is in them." Answer: "This Question may receive its solution by this distinction; That there is in laws an equitable and a literal sense. His majesty, let it be granted, is intrusted, by law, with the Militia; but it is for the good and preservation of the republic, against foreign invasions, or domestic rebellions; for it cannot be supposed that the parliament would ever, by law, intrust the king with the Militia against themselves or the common-wealth, that intrusts them to provide for their weal, not for their woe: So that when there is certain appearance, or grounded suspicion, that the letter of the law shall be improved against the equity of it, (that is, the public good, whether of the body real, or representative) then the commander, going against its equity, gives liberty to the commanded, to refuse obedience to the letter: for the law, taken abstract from its original reason and end, is made a shell without a kernel, a shadow without a substance, and a body without a soul. It is the execution of laws, according to their equity and reason, which, as I may say, is the spirit that gives life to authority; the letter kills.—Nor need this equity be expressed in the law, being so naturally implied and supposed in all laws that are not merely imperial, from that analogy which all bodies politic hold with the natural; whence all government and governors borrow a proportionable respect. And, therefore, when the Militia of an army is committed to the general, it is not with any express condition that he shall not turn the mouths of his cannon against his own soldiers; for that is so naturally and necessarily implied, that it is needless to be expressed; insomuch that if he did attempt or command such a thing, against the nature of his trust and place, it did, ipso facto, estate the army in a right of disobedience; except we think that obedience binds men to cut their own throats, or at least their companions.—And, indeed, if this distinction be not allowed, then the legal and mixed monarchy is the greatest tyranny; for if laws invest the king in an absolute power, and the letter be not controlled by the equity; then, whereas other kings that are absolute monarchs, and do rule by will, and not by law, are tyrants per force; those that rule by law, and not by will, have, hereby, a tyranny conferred upon them legally: and so the very end of laws, which is to give bounds and limits to the exorbitant wills

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of princes, is, by the laws themselves, disappointed; for they hereby give corroboration, and much more justification, to an arbitrary tyranny, by making it legal, not assumed; which laws are ordained to cross, not to countenance: and therefore is the letter, where it seems absolute, always to receive qualification from the equity, else the aforesaid absurdity must follow."

The King's Complaint against the said Treasonable Paper.] The king's Message to the lords, on occasion of the foregoing Paper, was as follows:

"His majesty having seen a printed Paper, intituled, 'A Question answered: How Laws are to be understood, and Obedience yielded?' Which Paper he sends together with this Message, thinks fit to recommend the consideration of it to his house of peers; that they may use all possible care and diligence for the finding out the author, and may give directions to his learned counsel, to proceed against him and the publishers of it, in such a way as shall be agreeable to the law and the course of justice, as persons who endeavour to stir up sedition against his majesty. And his maj. doubts not but they will be very sensible how much their own particular interest, as well as the publick government of the kingdom, is, and must be, shaken, if such licence shall be permitted to bold factious spirits, to withdraw his subjects strict obedience from the laws established, by such seditious and treasonable distinctions. And of doctrines of this nature his maj. doubts not but that their lordships will publish their great dislike, it being grown into frequent discourse, and vented in some pulpits, by those desperate turbulent preachers, who are the great promoters of the distempers of this time, 'That human laws do not bind the conscience;' which being once believed, the civil government and peace of the kingdom will quickly be dissolved. His majesty expects a speedy account of their lordships exemplary justice upon the authors and publishers of this Paper."

The lords being of opinion, That the king's Complaint against the authors and publishers of the foregoing Paper (as containing seditious expressions and treasonable distinctions) was in the nature of an inquisition; and holding it proper for things of that kind to begin in the house of commons, and to be brought up to their lordships in a parliamentary way, sent it down to them accordingly. But it was never more heard of in either house.

A Petition of the Yorkshire Gentry to the King for continuing the Magazine at Hull.] At a conference held this day, the commons delivered to the lords a copy of a Petition, which had been presented to the king by divers gentlemen of Yorkshire; which was read as follows:

The Humble PETITION of the GENTRY and COMMONS of the County of YORK.

"Most royal sovereign; Encouraged by your majesty's many testimonies of your gracious goodness to us and our county, which we can never sufficiently acknowledge; we do, in all duty and loyalty of heart, humbly address ourselves to your sacred majesty; beseeching you to cast your eyes and thoughts on the safety of your own royal person, your princely issue, and this whole county; a great means of which we conceive doth consist in the Arms and Ammunition at Hull, placed there by your princely care and charge; which, by your majesty, was conceived necessary for the defence of the Northern parts of this kingdom; and since, upon a general apprehension of danger from foreign parts represented to your majesty, thought fit, as yet, to be continued: we for our parts, conceiving ourselves to be still in danger, do humbly beseech your majesty, That you would be pleased to take such course and order, that your Magazine of Ammunition may still there remain, for the better securing of these and the rest of the Northern parts; and the rather, because we think it most fit, that that part of the kingdom should be best provided, where your sacred person doth reside; your person being the David, the light of Israel, and more worth than ten thousand of us, Who shall daily pray, &c."

This Petition was assented to, and delivered to the king, by these gentlemen, viz. sir F. Wortley, sir Wm. Wentworth, sir John Gibson, sir Tho. Metham, sir Rd. Hutton, sir Paul Neal, Mr. Bryan Palmes, Mr. Geo. Butler, Mr. Dawnay, Mr. Mountain, capt. Frankland, and 8 or 10 more, whose names, as the Journals say, were not known.

The observations made by the house of commons on this Petition, were, "1. The preface is false, being stiled, 'A Petition of the Gentry and Commons,' when it was delivered only by a few. 2. That it is wholly grounded upon a presumption, that the king and prince will reside there; which is directly contrary to the continual desires of both houses of parliament, and to their petition for removing the Magazine from Hull, and their order thereupon. 3. That whereas it is pretended that the Magazine was placed there for the safety of the county, it was much to the damage and loss thereof; being so long overburdened with that and the army. 4. That most of these subscribers were the retractors of their names from that Petition, which the county of York presented to the king, for the calling of a parliament, and joined with the late earl of Strafford for the stopping of it.—On these considerations the commons conceive this Petition to be of dangerous consequence, and an affront to the parliament; done on purpose to increase the differences between the king and his people, to make a faction within that county: Therefore, the commons desire their lordships, That the subscribers to it may be summoned to appear, and answer the same in parliament." This was ordered accordingly.

The King's Message of Complaint against sir J. Hotham for refusing him Entrance into

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Hull.] April 26. The lord keeper acquainted the lords, that he had received a Letter from the King, dated at Beverley, April 21th, with a Message inclosed in it, which he was commanded to deliver to the house; viz.

"His majesty having received the Petition inclosed from most of the chief of the Gentry near about York, desiring the stay of his majesty's arms and munition in his Magazine at Hull; for the safety not only of his majesty's person and children, but likewise of all these Northern parts, the manifold rumours of great dangers inducing them to make their said supplication; thought it most fit to go himself, in person, to his town of Hull, to view his arms and munition there; that thereupon he might give directions what part thereof might be necessary to remain there for the security and satisfaction of his Northern subjects; and what part thereof might be spared for Ireland, and the arming of his majesty's Scots subjects that are to go thither; or to replenish his chiefest magazine of the Tower of London; where being come upon the 23rd of this instant April, much contrary to his expectation, he found all the gates shut upon him, and the bridges drawn up, by the express command of sir John Hotham; who, for the present, commands a garrison there, and from the walls flatly denied his majesty entrance into his said town; the reason of the said denial being as strange to his maj. as the thing itself, it being, that he could not admit his majesty, without breach of trust to his parliament; which did the more incense his majesty's anger against him, for that he, most seditiously and traiterously, would have put his disobedience, upon his majesty's parliament; which his maj. being willing to clear, demanded of him, if he had the impudence to aver that the parliament had directed him to deny his maj. entrance; and that if he had any such order, that he should shew it in writing, for otherwise his maj. could not believe it; which he could no way produce, but maliciously made that false interpretation according to his own inferences, confessing that he had no such positive order, which his majesty was ever confident of: but his majesty, not willing to take so much pains in vain, offered to come into that his town with only 20 horse, finding that the main of his pretence lay, that his majesty's train was able to command the garrison; notwithstanding his majesty was so desirous to go thither in a private way, that he gave warning thereof but over night; which he refusing, but by way of condition, which his majesty thought much below him, held it most necessary to declare him traitor, unless, upon better thoughts, he should yield obedience; which he doubly deserved, as well for refusing entrance to his natural sovereign, as by laying the reason thereof, groundlessly and maliciously, upon his parliament. One circumstance his maj. cannot forget, That his son the duke of York, and his nephew the prince Elector, having gone thither the day before, sir John Hotham delayed letting of them out to his majesty, till after some consultation. Hereupon his maj. hath thought it expedient to demand justice of his parliament against the said sir J. Hotham, to be exemplarily inflicted on him, according to the laws; and the rather, because his maj. would give them a fit occasion to free themselves of this imputation, by him so injuriously cast upon them, to the end his maj. may have the easier way for the chastising of so high a disobedience."

The Lords justify sir J. Hotham's Refusal.] The lords etered into a serious debate on this Message and afterwards came to the following Resolutions: 1. "That sir J. Hotham, according to this relation, hath done nothing but in obedience to the commands of both houses of parliament. 2. That this declaring sir J. Hotham a traitor, being a member of the house of commons, is a high breach of privilege of parliament. 3. That this declaring sir J. Hotham a traitor, without due process of law, is against the liberty of the subject and the law of the land." It was also ordered, to have an immediate conference with the commons, to communicate the king's Message to them, and these votes upon it.

Impeachment of sir Edw. Dering, for promoting the Kentish Petition.] This day the lord keeper reported a conference had with the commons, concerning sir Edward Dering, That they had presented the following Impeachment against him:

ARTICLES of IMPEACHMENT of Sir Edward Dering, knt. and bart, by the Commons assembled in this present Parliament, in the name of themselves and of all the Commons of England, for high Crimes and Misdemeanors by him committed as follows: *

I. "That whereas an Ordinance was lately made and agreed upon by both houses of parliament, for the settling of the Militia of this kingdom, for the safety and preservation thereof in these times of imminent danger; the said sir Edward Dering, knowing thereof, and having been lately a member of the commons house in parliament, and by order of the said house, for offences by him committed, expelled the same † out of a malicious and wicked intention to cross and hinder the said Ordinance; to interrupt and scandalize the proceedings of parliament; to set division between his majesty and the parliament; and to raise sedition and tumult in the county of Kent, and in other parts of this realm; in or about the month of

* These proceedings against sir Edw. Dering are taken from the Lords Journals: There is no mention made of them in Rushworth or Whitlocke. Lord Clarendon, indeed, tells us, "That several gentlemen of the county of Kent, who had subscribed and advised the Petition, were sent for as delinquents; and Charges and Articles of Impeachment drawn up against them." Vol. II. p. 487.

† For printing his Speeches. See p. 1072.

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March last past, by practice and combination with R. Spencer, esq. sir Roger Twisden, and sir Geo. Strode, and others, did wickedly and maliciously contrive and frame certain dangerous and seditious Heads or Articles of a Petition to be presented to the parliament, for and on behalf of the gentry, ministers, and commonalty of Kent; amongst which some were to this or the like effect, viz. 1. 'That no member of the house of commons should be put out of the said house, without shewing a reason for the same; and that they shew some cause why the said sir Edw. Dering was put out of the said house. 2. That his majesty's subjects should not be bound by any Order of either of the said houses. 3. That no Ordinance of the said house touching the Militia should bind the subjects, without his majesty's assent thereunto.' And for the better effecting thereof, at the assizes holden for the said county, on Tuesday, the 22nd of March 1641, the said sir E. Dering, being then, and yet, a justice of the peace of the said county, together with the said sir Geo. Strode, and divers other justices of the peace of the said county, then present in court, by the pratice and combination aforesaid, did offer himself to serve on the grand inquest at the said assizes; albeit there was another sufficient grand jury then returned by the sheriff, (whereof he was none) and no exception taken to the same; and that no justice of peace, or other gentlemen of that rank and quality in that county, had served upon any grand jury at the assizes, for many years then before: and the said sir E. Dering, together with the other said justices of the peace, upon their said offer, being sworn and impannelled of the said jury, the said sir E. Dering, with the said sir Geo. Strode, by the practice and combination aforesaid, and to the intent and purpose aforesaid, did tender the said heads to the said grand jury; and did then and there wickedly and unlawfully persuade, labour and solicit the rest of the grand jury to agree to the same; and have them drawn into a Petition to the parliament, to be presented by the said grand jury to the judge of the said assizes and the rest of the bench there, to be, by them, assented to and approved of; and did then and there wickedly conjure the said grand jury to secrecy, and not to discover any thing touching the said Petition, till it should be, by them, agreed upon and presented as aforesaid; falsely persuading them that they were thereunto bound by their oath. —II. That whereas the said grand jury did not, nor would agree to the said Petition or Heads; but a great part of them did utterly refuse and oppose the same, and resolve to protest against it; yet the said sir E. Dering, together with the said sir G. Strode, by the practice and combination aforesaid, did, at the same assizes, wickedly and seditiously contrive and frame a dangerous, scandalous, and seditious Petition, to be presented to the parliament, consisting of many of the heads aforesaid, and others, and the same did present to the bench at the said assizes; and, by false and sinister suggestions, persuasions and solicitations, caused the same to be voted and assented to in open court; and did further say, That the same should be accompanied with 40,000 persons, and that they should meet at Deptford, Greenwich, or Blackheath, to go to the parliament; and did likewise openly move in court, That there might be three copies made of the said Petition, one to the house of lords, another to the commons, and a third to his majesty.—III. That the said sir E. Dering, together with the said R. Spencer, sir R. Twisden, sir G. Strode, and others, by the practice and combination, and to the intent aforesaid, at the said assizes, and at other times, did wickedly and seditiously publish the said Petition; and caused the same to be put into the hands of one Pope, an attorney at law, dwelling at Maidstone aforesaid, to make and deliver out copies thereof, to be dispersed throughout the said county; and divers copies thereof were given out and dispersed accordingly.—IV. That the said sir E. Dering, together with the rest of the said confederates, by the practice and combination aforesaid and to the intent aforesaid, did unlawfully, wickedly and maliciously, procure many hands to the said Petition; and did labour and solicit divers of the inhabitants of the said county to assemble and meet at Deptford or Greenwich, in the said county or some other place, thereabouts, in great multitudes, to go along with the said Petition; intending thereby to have raised commotion and sedition amongst the people, and to have awed the parliament. —All which doings of the said sir E. Dering and his confederates, were, and are, great and high breaches of the privileges of parliament; and contrary to his oath and the duty of a justice of peace; tending to sedition, and to the apparent danger of both his majesty's kingdoms of England and Ireland: and the said sir E. Dering being sent for to the house of commons, and under examination of a committee of both houses of parliament for the said offence, is since fled, in great contempt of both the said houses.—And the said commons, by protestation, saving to themselves the liberty of exhibiting, at any time hereafter, any other accusation or Impeachment against the said sir E. Dering; and of replying to the Answer which he shall make to the said Articles, or any of them; and of offering proof of the premisses, or any of them, or of any other Impeachment or accusation which shall be exhibited against him, as the case, according to the course of parliament shall require; do pray that the said sir E. Dering may be put to answer to all and every the premisses in the presence of the commons; and that such further proceedings, examinations, judgments and executions may be, upon every of them, had and used against him as is agreeable to law and justice." This being read, his lordship reported, "That the gentleman of the house of commons, that managed the conference, made some observations and said, That your lordships see by this that hath been read unto you, that 'Nondum recentis Ilii fatum

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stetit,' that notwithstanding the many strange and variable attempts against the parliament, and their wonderful and miraculous preservations, yet mischief is so fruitful and generative as to produce a new brood of serpents; which are continually hissing, maligning, and practising against the pious and noble endeavours of both houses, and against the peace, prosperity and happiness of this afflicted kingdom. If the evil and seducing spirit, which doth animate these designs, were asked from whence he comes, doubtless his answer would be, 'From compassing the earth;' having removed his scene into many several parts, and found so many friends and patrons of his audacious atchievements, amongst whom this gentleman, sir E. Dering, is one; a man of mark and eminency; of wit, learning, and zeal, at least in shew and appearance; and yet all these miserably shipwrecked upon the shelves and sands of the Kentish shore. The thing itself appears to your lordships to be a manifest breach of the rules of law, justice, and religion; and yet under the cloak of all three, a fast must be proclaimed to take away Naboth and his vineyard. The yeomanry of Kent, heretofore in great esteem, is now become vile and contemptible; an extraordinary grand jury must be prepared of knights, gentlemen, and justices of the peace for some extraordinary service, which your lordships have heard what it is; they must descend from their places on the bench, and from themselves too, not to serve their country, (for that were no disparagement) but to serve their own unworthy, ambitious, and seditious ends.—This gentleman, a ringleader, late a member of the house of commons, the great grand jury of the whole kingdom; and there so highly esteeming of his own wisdom, is contented now to descend so low as to become one of the common jury of the county; such is the meanness and pusillanimity of high thoughts, as, for compassing of their own ends, to stoop to any condition how low soever it may be.—Having thus set the cards, he plays the game very foully; he leads his fellows out of the way; and makes them, like ill hunters, instead of following the chace, at the quest of one ill mouth, to fall upon a flock of sheep. Their duty was to have enquired, diligently, of the matters given them in charge. Surely this was out of the charge, because the judge had told them it was out of his commission; and yet they leave other matters, which they were charged with, as accidents and trifles; and insist upon this, which they had nothing to do with, as the principal business. —He obtrudes on them divers monstrous and seditious heads; and, by sinister suggestions, labours and solicitations, which ought not to be used to a jury; and, by a kind of violence offered them, seeks to enforce them to a consent, contrary to their own reason, judgment, and consciences, when they refused, opposed, and protested against it. Failing of this, 'Flectere si nequeam Superos, Acheronta movebo:' Instead of enquiring upon the statute of witchcraft and conjuration, he useth his conjurations and enchantments upon them, to conjure them to secrecy; falsely persuading them that they will be bound unto it by their oath: when all this would not serve, he then applies himself to the bench; and, by the enchantments and conjurations used there, prevails so far as to have it there voted and assented to by such as were present; and, to give the more strength and countenance to it, wants not the aid and concurrence of some appearing reverend divines, and of civilians also; and sticks not to affirm, that he can have 40,000 persons to attend the Petition; proclaims a meeting at Blackheath, a place fatal and ominous for actions of this nature; and all this under colour of a Petition; being, in truth, a challenge, an abjuration, and a scandal upon the parliament; and purporting nothing else but a desperate design to put not only Kent, but, for ought is known, all Christendom into combustion, carrying the sails full swollen with spite, arrogancy, and sedition. The particular instances he forebore to trouble your lordships with, because you will find some of them upon perusal of the Petition. He said many arguments he might use in aggravation of them, from the eminency of the power of the person, and the arrogancy of his mind; the acrimony of his spirit, and from the topping place of Kent, which former ages hath found obnoxious to these infelicities; which this gentleman, so well read in story, should have been mindful of in these troublesome times: but all these, and other circumstances, he left to your lordships noble and judicious consideration; desiring, amongst other motives, that your lordships will be pleased to reflect upon the acts of your own justice in a case of like nature*; which, being first begun here, near at hand, might have spread the flame and contagion over all England; had not the great wisdom and justice of both houses, in due time, prevented it.—He said, He should add no more at this time, but what he had read of a people in Africa, which sent a challenge to the wind; whereupon, at the meeting, the wind blew down mountains upon them, and overwhelmed them: he hoped those bold and insolent adventurers, who have presumed to send a challenge, or defiance to the great houses, shall find the like stroke of their wonted power and justice; and that they shall meet with such a wind as will blow down their high thoughts upon themselves, return their votes into their bosoms, and their mischievous designs upon their own heads. All which he was warranted, in the name of the house of commons, and of all the commons of England, to desire of their lordships; and that they will be pleased to make this gentleman, the principal author of this foul act, a spectacle and pattern of exemplary justice to present and future times."

Ordered, 'That sir Edw. Dering, knt. and bart. shall appear before the lords in parliament on the 2nd day of May, and put in

* Mr. Benyon's Petition beforementioned,

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his Answer unto an Impeachment of the house of commons brought up against him, or else the house will procced against him by default.'

Farther Votes and Orders relating to Hull.] The house of commons having considered of the king's last Message and the Votes about Hull, sent to desire another conference on this affair; in which they acquainted the lords, That they fully agreed with them in these votes, and desired that they might be printed and dispersed all over England: that two ships of war should be sent to the river Humber to clear the passage to Hull, under the command of the earl of Warwick: that a committee of both houses might be sent into the North to take care of those parts and Hull; particularly, to thank sir John Hotham, the commanders and soldiers under him, with such inhabitants of the said town who they shall learn were forward in the service, for their faithfulness in preserving that place; and to assure them that particular care shall be taken to reward them according to their deserts.

There was read, also, an Information from two persons, who said, That the king's coming to Hull was on purpose to hang sir J. Hotham; and, upon his refusal to let his majesty into Hull, he had proclaimed him a traitor: That sir Tho. Metham was raising forces for the king in Yorkshire, most of them Papists; and that there was a great resort of them at York: That all posts and persons who brought letters to and from the parliament to Hull were stopped, and forbidden to carry any on pain of death; and all intercourse prevented, both by land and water: In consideration of which, the commons think fit to desire their lordships concurrence in sending an Order to the sheriffs, lord lieutenants, justices of the peace, &c. in the adjacent counties, to suppress all forces that shall be raised there, either to force the town of Hull, or to stop the passages to and from the same, to the disturbance of the peace of the kingdom. Lastly, The commons desired the lords concurrence in a Declaration concerning these matters, and that the same might be printed and published.

The lords not only agreed with the commons, in all these particulars; but went further: for they ordered all the persons who had signed the last Petition to the king, with others there named, to be sent for as delinquents, for being active against the parliament. The Declaration abovementioned, was as follows:

"It is declared by the lords and commons in parliament, That the stopping of the passages between Hull and the parliament, and the intercepting of messengers employed from the parliament to Hull, or from any that are in the service of the parliament, or any letters whatsoever sent by any to or from the parliament, is a high breach of the privilege of parliament; which, by the laws of this kingdom and the protestation, we are bound to defend with our lives and our fortunes, and to bring the violators thereof to condign punishment; and hereby all lords lieutenants and their deputies authorised by the Ordinance of both houses of parliament, all sheriffs, justices, mayors, bailiffs, constables, and other officers whatsoever, are required to give their utmost aid and assistance to all that are employed in the said service, for their better and more speedy, free, and safe passage: and to apprehend all such as, by colour of any warrant or other authority whatsoever, shall endeavour or go about to hinder any that are employed about the same, and them to apprehend, and in safe custody to send up to the parliament."

April 28. This day a message was brought up by Mr. OLIVER CROMWELL, to desire a conference. The purport of which was, the commons acquainted the lords, "That they had received information of a great meeting to be next day on Blackheath, in order to back the rejected Petition of Kent; and that reports were given out that they intended to shed blood: they, therefore, recommended to their lordships that proper care might be taken to prevent any mischief that might ensue." This was ordered accordingly by the lords.

An Order was made that sir J. Hotham have power to take up such ships, at Hull, as are fit for bringing away the Magazine there, to be convoyed by the two ships of war, already sent for that purpose.

The lords agreed with the commons to give Instructions and power to their commissioners, who were to be sent into the North; as, also, to another Declaration of both houses on the business of Hull, with an order of assistance to be given to the commissioners; which, with the late votes, were again ordered to be printed and published. The Declaration, &c. were in hæc verba.

"The lords and commons in parliament, finding just cause to fear not only the desperate designs of Papists, and others of the malignant party, at home; but also the malice of enemies, incited by them, from abroad; thought it necessary, for the safety of this kingdom, to secure the town of Kingston upon Hull, being one of the most considerable places for strength, and affording the best conveniency for landing of forces; and where a great part of the magazine of the kingdom for that time was placed; and for that end appointed sir J. Hotham, one of the members of the house of commons, being a gentleman of the same county, of a considerable fortune and approved integrity, to take upon him the government of the town, and to draw thither some of the Trained Bands for the guard thereof: in which apprehension and resolution they were the more confirmed by the sight of some intercepted letters of the lord Digby, (a principal person of that party) written to the queen and sir Lewis Dives; whereby that party discovered an endeavour to persuade his maj. to declare himself, and retire into some place of safety in this kingdom, in opposition to ways of accommodation with his people; and, to give the better opportunity to himself

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and other dangerous persons to resort thither; which could have no other end but to incline his maj. to take arms against his parliament and good subjects, and miserably to imbroil this kingdom in civil wars. About which time capt. Legge (a man formerly employed in the practice of bringing up the army against the parliament) had direction, by warrant produced by him under the king's hand and sign manual, to enter Kingston upon Hull, and to draw thither such of the Trained Bands as he should think fit: and that the earl of Newcastle came thither in a suspicious way, and under a feigned name, and did endeavour to possess himself of the said town, by virtue of the like warrant and authority.—They further conceiving, that the Magazine there being of so great importance to this kingdom, would be more secure in the Tower of London, did humbly petition his maj. to give his consent the same might be removed; which, notwithstanding, his maj. did refuse; and thereupon some few ill-affected persons about the city of York, took upon them the presumption, in opposition to the desires, and in contempt of both houses, to petition his maj. to continue that Magazine at Hull; alledging it to be for the safety of his majesty, as if there could be a greater care in them of his majesty's royal person than in his parliament: and his majesty, the next day after the delivery of that Petition, being the 23rd of this instant April, took occasion thereupon to go to the town of Hull, attended with about 400 horse, (the duke of York and the prince elector being sent thither the day before) and required sir J. Hotham to deliver up the town into his hands; who perceiving his maj. to be accompanied with such force as might have mastered the garrison of the town; and having received intelligence of an intention to deprive him of his life, in case the king should be admitted, informed his maj. of the trust reposed in him by both houses of parliament, and that he could not, without breach of that trust, let him in; beseeching his maj. to give him leave to send to the parliament, to acquaint them with his majesty's commands, and to receive their directions thereupon, which he would do with all expedition. This Answer his maj. was not pleased to accept of; but presently caused him and his officers to be proclaimed traitors before the walls of the town; and thereupon dispatched a Message to both houses, therein charging sir J. Hotham with high treason, and aggravating his offence, because he pretended the parliament's command; in the mean while hindering him of all means of intelligence with the parliament, for his majesty immediately caused all passages to be stopped between him and them; and, in pursuance of the same, one of his servants, who was sent by him with letters to the parliament, to inform them of the truth of those proceedings, was apprehended, his letters taken from him, and his person detained; whereby, contrary to the common liberty of every subject, he was not only deprived of means to clear himself of that heavy accusation, but of all ways of intercourse, either to receive directions from them that trusted him, or to inform them what had happened. The lords and commons finding the said proceedings to be a high violation of the Privileges of parliament, of which his majesty had, in several Messages, expressed himself to be so tender; a great infringement of the Liberty of the Subject and the law of the land, which his maj. had so often lately professed should be the rule to govern by; and tending to the endangering of his majesty's person and the kingdom's peace; thought fit, as well for the vindication of their own rights and privileges, and the indemnity of that worthy person employed by them, as for the clearing of their own proceedings, to publish these ensuing votes." [Here the votes, mentioned at p. 1188, are repeated.]

Next follow the Instructions given to these Commissioners, which were not published with the former; viz.

"It is this day ordered by the lords and commons in parliament, That the earl of Stamford, the lord Willoughby of Parham, sir Edw. Ayscough, sir Christ. Wray, sir S. Owfield, and Mr. Hatcher, shall forthwith repair into Lincolnshire; and from thence to Kingston upon Hull, and, if there be occasion, to any other parts of Yorkshire; and pursue the directions following: 1. That if any forces are, or shall be, raised or gathered together in the counties of York or Lincoln, either to force the town of Hull, or to stop any of the passages to or from the same, or any other way to disturb the peace of the kingdom, then they, or any three of them, in the name and by the authority of both houses of parliament, shall require the lord lieut. or, in his absence, the deputy lieutenants of either of the said counties, respectively, to suppress and remove all such forces, and to free and keep open all the passages to Hull; and, in performance hereof, shall also require the sheriffs, justices of the peace, and all other his majesty's officers and subjects, in the name of both houses of parliament, to assist therein as oft as they shall see cause. 2. That they shall thank sir J. Hotham, the commanders, and particular soldiers under him, and such of the inhabitants of the town as have observed the command of the parliament, and kept it in pursuance of the same; and shall give them all encouragement to continue their care and fidelity in this service, conducing so much to the safety and peace of the kingdom. 3. They shall, from time to time, certify the houses of all occurrences; and shall all, or any of them, return, as they shall see occasion."

April 29. A message was brought from the commons, to let the lords know, "That they looked upon the late attempt upon Hull to proceed from the effect of some former counsels of the lord Digby's Letters to the Queen: that he being impeached by them of High Treason, and a proclamation sent out to summon him to appear on a certain day, under

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pain of conviction; and it being now six weeks since, and the said lord Digby not coming in; the commons desire the lords would please to assign a day for them to come up, and demand justice against him." *Answ.* That they will appoint a day, shortly, and give the commons notice of it.

Sir J. Hotham's Letter concerning the King's coming to Hull.] Another Message came up to the lords, by Mr. Hampden, and others, who presented to their consideration a Letter, directed to the Speaker; and, though there was no name subscribed, yet many of the members knew it to be of sir John Hotham's hand-writing, and contained a true Narrative of the whole business concerning Hull. Which letter the lords commanded to be read as follows:—

"Sir; I make no question but you have heard, in general, of the business we have had at Hull; you had received the particulars before this, but that all ways have been stopped, for the intercepting my letters: Two posts I have sent expresses, both which were intercepted; and one of them, as I am informed, carried prisoner to York. The parliament, as you well know, hath intrusted me with the safe keeping of this place: their orders I have performed to the best of my understanding, and utmost endeavours, though with some hazard of being misconceived by his majesty. If I have, in any thing, misbehaved myself, or not performed my trust, I shall most willingly submit to their censures: only this I must make my most humble request, if so it may seem good to the wisdom of the parliament, that I may have from them a quick resolution, in such manner as they shall find to be just. I perceive, by some letters sent by his majesty to this town, that he hath advertised the parliament of this action of mine, and hath demanded a punishment against me: I shall intreat the parliament to take into consideration under how deep an accusation I lie; and how unable I shall be to do them service here, if this receive not a speedy resolution.—The manner I shall faithfully (God willing) relate. It was thus: Upon Friday the 23rd of this instant April, an alderman of Hull came to me, and told me, He was newly come from York, and that he was to give me notice that the duke of York, the prince Elector, and my lord Newport, would that night come to Hull, and stay only one night, and go back next day to York. I could have well wished they had taken some other time, but being very desirous to give all the content I could, (my trust always preserved) I gave way to their reception; and had provided, for next day, a dinner, to have given them the best welcome I could: But, late that night, I had some cause of suspicion that they meant not to depart the next day; whereupon I went to my lord Newport, who assured me confidently it was not so, which a while satisfied me; till about 9 of the clock, the duke, prince, and the rest, being walking in the fort called the South-End, sir Lewis Dives comes in thither, and delivered me a Letter from his majesty; purporting, that he intended to visit his town of Hull and his Magazine there, and that I should provide for the reception of him and his train; that he doubted not of my obedience, else he must make his way into his town according to the laws of the land. This I confess put me to a great strait: on the one side being most extremely sorry to give his majesty the least cause of offence; on the other side the breach of a trust being, in my sense, so horrid a fact, as after that I should not have wished to live; I then began to put together circumstances, thus: Why such a journey, at such a time as this, should have been undertaken by so great personages; why should they deny their stay, when I had some cause to suspect it was resolved when they came; the numbers coming with them already received into the town; and, lastly, the extreme urging of the messenger, sir Lewis Dives. I had received of those that came along with them, whether of their servants or no I know not, 45 persons. I well knew of a party practising, by papists in Holderness, with some of the town. His majesty had in his train, to the best of all our judgments, 300 horse. I was advertised, (but the certainty I knew not) that 400 horse lay further off. All these put me to a sudden resolution to draw up the bridges, upon certain news of his majesty's approaching; having first sent out a gentleman to his majesty, humbly to intreat his maj. to forbear his coming to the town at that time, in regard I might not, without a breach of that trust committed to me, admit him and his train. This message met him 3 miles off; notwithstanding his maj. came on to the town gates, and sent for me thither: As I went, I met the mayor and some townsmen assembled to go to his majesty to the gates, whom I commanded to keep their houses; which accordingly they did, and myself went to the town wall next the port; Being there, his majesty demanded entrance: I, in the most humble manner I was able to express myself, begged of his majesty to take my case into his most princely consideration: that I had that place delivered me under that sacred name of trust: that I could not satisfy him, at that time, without incurring to me and my posterity the odious name of a villain and faith-breaker: that he would, for that time, withdraw; and, if my being in this town gave him the least cause of offence, if he would give me leave to advertise the parliament, I should get myself discharged never to come here: but nothing I could say could give any satisfaction to his majesty, who, as well as to myself, endeavoured to persuade all my captains and soldiers; but they were all of one mind with me, faithfully to perform our trust. Some of his majesty's train, with great earnestness, cried out to kill me and throw me over the wall; and they were not a few which did it.—This, and some other advertisements I had given of some attempts to be made upon my person, which, though in itself not at all

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considerable, yet at this time since that my perishing, by any sudden attempt, would have apparently hazarded the loss of this place, made me enter upon a resolute determination to intreat his majesty at that time to withdraw; and not to admit of his entrance (till I had advertised the parliament thereof) with any considerable company; and also being I saw that, with his presence, the townsmen begin to stagger; the mayor, contrary to my command, being come to the wall, and receiving from his majesty many gracious words. The conclusion was, his majesty, after persuasions would not prevail, caused me, and all that adhered to me, to be proclaimed traitors. Then he retired to a little house, without the walls; and, after one hour's stay, returned and demanded again my resolution. I made the same answer as before; and I think then (but I do not well remember it) he demanded entrance for himself and 20 horse; but in my judgment (as I well saw how the state of affairs stood) being fully satisfied, that if his person were in but with half that number, I was in no ways master of the town; I intreated his pardon in that. Soon after he went away and lodged at Beverley; from whence he sent, next day, two heralds to demand entrance to see his Magazine: but I still intreated his pardon; breach of trust still sounding horrid in my ears. Upon Tuesday after, came one Savage, a knight,* and Mr. Carey; I know neither of their Christian names. They said, they were sent by the king to deliver a letter to the mayor, and demanded entrance. I told them I would be responsible it should be delivered; which I did: It contained a great length, the chief, as I remember, confirming us all traitors; aggravations of my offence; and that he had advertised his parliament of it to have me punished according to my demerits; with command to the townsmen and soldiers not to obey me, nor to suffer the magazines to be removed. The sheriff, as I hear, hath refused to levy the Posse Comitatus; being it seems he conceives against law. All the gentry and justices are, as I hear, sent for to York. His majesty, at his being at the walls, told me, if I would not let him in, he would raise the Trained-Bands. Sir, as I was writing this, I received a letter by Mr. Askew, for which I must return my most humble thanks; and (God willing) the parliament may rest most assured, that there shall not want my utmost endeavours faithfully to serve them in my life and fortune. I shall desire you will represent to them the absolute necessity of present monies in some good proportion; the necessity of affairs having constrained me to call such other of the county in, as I was hopeful of would be assured to me, though not many, yet so as if they please to take some course for the sea-ward, I hope to give a good account of this place. I am sorry to write who were the men; for there were many of those who were at the parliament door, when the king came to the house.

Proceedings of the Commons on the Kentish Petition.] April 30. The commons proceeded further in the affair of the Kentish Petition. Sir Edward Dering's Book of Speeches being lately reprinted, they referred the consideration of that matter to a committee; ordered the impression to be seized; and also to inquire who printed the said Petition, of which several bundles of copies had been found upon some of the petitioners. But notwithstanding these vigorous Resolutions of the commons, the men of Kent had the courage to come up to London with their Petition: for we find in the Journals the following entry, "The house being informed, that divers gentlemen of the county of Kent were at the door, that desired to present a Petition to the house, they were called in, presented their petition, and then withdrew: and their petition was read, and appeared to be the same that was formerly burnt, by order of both houses, by the hands of the common hangman." Hereupon some of the petitioners were called in, and examined; capt. Lovelace, who said he preferred the Petition by command of the gentlemen assembled at Blackheath, was committed to the Gatehouse; sir Wm. Boteler, who was also concerned therein, having been at York since the assizes at Maidstone, was committed to the Fleet: but, the other gentlemen that presented the said Petition being called in, Mr. Speaker, by command of the house, told them, "The house has considered of the Petition that you presented. And they know you cannot be ignorant what opinion both houses have formerly expressed of the same Petition: yet, considering that you are young gentlemen, misled by the solicitation of some not affected to the peace of the kingdom; and that, howsoever they intend to proceed against the chief agents and prime actors in this business, yet they are willing that you should be dismissed, hoping that you may hereafter prove good members of the commonwealth."

The King's second Message, demanding Satisfaction against Sir J. Hotham.] Two Messages from the King were this day delivered to the lords by the lord keeper: the one about the Hull affair, and the other concerning the Militia bill; viz.

"We are so much concerned in the undutiful affront (an indignity all our good subjects must disdain in our behalf) we received from sir John Hotham at Hull, that we are impatient till we receive justice from you, and are compelled to call again for an answer; being confident (however you would be so careful, though without our consent, to put a garrison into that our town, to secure it and our Magazine against any attempt of the Papists) that you never intended to dispose and maintain it against us your sovereign: therefore we require you forthwith, for the business will admit no delay, that

* The earl of Newcastle in disguise, as mentioned in the foregoing Declaration. Rushworth, vol. iv. p. 565.

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you take some speedy course that our said town and Magazine be immediately delivered up unto us; and that such severe exemplary proceedings be against those persons, who have offered us this insupportable affront and injury, as by the law is provided; and till this be done, we shall intend no business whatsoever, other than the business of Ireland: for if we are brought into a condition so much worse than any of our subjects; that, whilst you all enjoy your privileges, and may not have your possessions disturbed, or your titles questioned, we only may be spoiled, thrown out of our towns, and our goods taken from us; it is time to examine how we have lost those privileges; and to try all possible ways, by the help of God, the law of the land, and the affection of our good subjects, to recover them, and vindicate ourself from those injuries. And if we shall miscarry herein, we shall be the first prince of this kingdom that hath done so; having no other end, but to defend the true Protestant Profession, the Law of the Land, and the Liberty of the Subject; and God so deal with us, as we continue in these resolutions. Given at our Court at York, April 28th, 1642."

The King's Reasons for refusing to pass the Militia Bill.] The second Message ran thus:

"We have, with great deliberation and patience, weighed and considered (it concerning us much to weigh the consequences of every law before we pass it) your bill lately sent to us for the settling of the Militia: and though it hath not been usual to give any reason for our refusal to pass any bill; (it being absolutely in our power to pass or not pass any act sent unto us by you, if we conceive it prejudicial to ourself, or inconvenient for our subjects, for whom we are trusted, and must one day give an account) yet in this business of the Militia, which being misunderstood amongst our good subjects, hath been used as an argument, as if we were not vigilant enough for the public safety: and lest we should be thought less constant in our resolutions, and this bill to be the same we sent unto you, we have thought fit to give you, and all the world, particular satisfaction why we cannot, ought not, must not, pass this bill; being the first public bill, to our remembrance, we have refused this parliament: and therefore we must complain, That having expressed ourself so clearly and particularly to you in this point, you should press any thing upon us, which you could not but foresee that we must refuse; except we departed from those resolutions, grounded upon so much reason, we had so earnestly before acquainted you with, and against which you have not given one argument to satisfy our judgment.—We are pleased that you have declined the unwarrantable course of your Ordinance, (to the which we are confident our good subjects would never have yielded consent) and chosen this only right way of imposing on our people, which we would have allowed but for the reason hereafter mentioned.—We refused to consent to your Ordinance; as for other things, so for that the power was put into the persons nominated therein by direction of both houses of parliament, excluding us from any power in the disposition or execution of it together with you. We then advised you, for many reasons, that a bill should be prepared; and after, in our Answer of the 26th of March last to the Petition of both houses, we told you, if such a bill should be prepared with that due regard to us, and care of our people in the limitation of the power and other circumstances, we should recede from nothing we formerly expressed. What passed (enough to have discouraged us from being further solicitous in that argument) after our full and gracious Answers, we are content to forget.—When we resolved on our Journey into Ireland (so that by reason of our absence there might be no want of settling that power, besides complying with your fears) we sent, together with a Message of that our purpose, a Bill for the settling that power for a year; hoping in that time to return to you; and being sure that, in much less time, you might do the business for which you seemed at first to desire this; which was, That you might securely consider our Message of the 20th of Jan. last. By that bill we consented to those names you proposed in your Ordinance; and, in the limitation of the power, we provided that ourself should not be able to execute any thing but by your advice; and when we should be out of the kingdom, the sole execution to be in you; with many other things of so arbitrary and uncircumscribed a power, that we should not have consented to, but with reference to the absence of our own person out of the kingdom; and thought it the more sufferable, in respect the time was but for a year; whether this be the bill you have now sent us to pass, let all the world judge.—You have, by this bill now tendered to us, without taking notice of us, put the power of the whole kingdom, the life and liberties of the subjects of all degrees and qualities, into the hands of particular men for two years. Can you imagine we will trust such an absolute Power in the hands of particular persons, which we refused to commit to both houses of parliament? Nay, is not the power itself too absolute, too unlimited, to be committed into any private hands? Hath not sir John Hotham's high insolency shewed us what we may expect from an exorbitant legal power, when he, by a power not warranted by law, dares venture upon a treasonable disobedience?—But we would willingly know (and indeed such an account in ordinary civility we might have expected) why we are, by this act, absolutely excluded from any power or authority in the execution of the Militia? Sure your Fears and Jealousies are not of such a nature, as are capable of no other Remedy, than by leaving us no power in a point of the greatest importance in which God and the law hath trusted us solely; and which we were contented to share with you by our bill, by putting it, and a greater, into the

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hands of particular subjects. What would all Christian princes think of us, after we had passed such a bill? How would they value our sovereignty? And yet sure our reputation with foreign princes is some ground of your security: Nay, we are confident, by that time you have thoroughly considered the possible consequence of the bill upon yourselves, and the rest of our good subjects, you and they will give us thanks for not consenting to it; finding their condition, had it passed, not to have been so pleasing unto them. We hope this animadversion will be no breach of your privileges. In this throng of business, and distemper of affections, 'tis possible second thoughts may present somewhat to your considerations which escaped you before.—We passed, this parliament, at your entreaty, a bill concerning the Captives of Algiers; and waved many objections of our own to the contrary, upon information that the business had been many months considered by you. Whether it prove suitable to your intentions, or whether you have not, by some private orders, suspended that act of parliament, upon view of the mistakings, you best know; as likewise what other great alterations you have made in other bills passed this sessions. We cannot pass over the putting their names out of this Bill whom, before, you recommended to us in your Ordinance; it seems not thinking fit to trust those who would obey no guide but the law of the land; (we imagine you would not wish we should, in our estimation of others, follow that your rule) and the leaving out, by special provision, the present lord mayor of London, as a person in your disfavour; whereas we must tell you, his demeanor has been such, that the city and the whole kingdom is beholden to him for his example. *—To conclude; we do not find ourself possessed of such an excess of power, that it is fit to transfer, or consent it should be in other persons, as is directed by this bill: and therefore we shall rely upon that royal right and jurisdiction, which God and the law hath given us, for the suppressing of rebellion, and resisting foreign invasion, which hath preserved this kingdom in the time of all our ancestors, and which we doubt not but we shall be able to execute: and not more for our own honour and right, than for the liberty and safety of our people, we cannot consent to pass this Bill."

The two foregoing Messages being read, the lords took them both into serious consideration, and resolved to have a conference with the commons about them. The lord keeper was appointed to open the conference, and the earl of Essex to tell the commons, That this house conceived these Messages proceeded from the destructive counsels and advice of evil and wicked men about the king; therefore to desire them that the parliament might speedily consider of naming those ill counsellors; and that some course may be taken to have them, wheresoever they are within the king's dominions, that so they may be brought to condign punishment.—This conference being held, and the commons returned to their own house, they soon after sent up a message to the lords, importing, That they did agree in the matter of the last conference, about the king's two Messages; and had appointed a committee of their members to join with another of the lords, to consider what was fitting to be done in this business; with a larger power to take into consideration also, any thing else which concerns the safety of the kingdom; and that they might meet immediately. Also the commons desired their lordships would put the Ordinance for settling the Militia, into present execution. The lords agreed to both these articles, and ordered accordingly: Notwithstanding which the execution thereof went on but slowly; some of the lords, appointed lieutenants therein, not being fond of their new offices. For we find, by the Lords Journals, that the marquis of Hertford, who had been nominated lieutenant of the county of Somerset, sent a message to the lords, That he should be very glad to obey the house, and to serve the commonwealth in what he may; but desires, at this time, to be excused accepting of the lieutenancy, for this reason, That he was not at the debate of the Militia, and therefore is utterly ignorant of what passed in it; and that unless the king gives his consent to it, he hopes their lordships will not impose it upon him: hereupon the earl of Bedford was appointed in his Place. The lord Strange desiring to be excused from accepting the lieutenancy of Cheshire, and the earl of Cumberland that of Westmoreland, the lord Say and Sele was nominated to the one, and lord Hastings to the other. The earl of Lincoln declared himself ready to obey the commands of parliament; but, in regard that no counties were divided but that of Lincoln, he desired to be excused: hereupon the lord Willoughby of Parham was appointed lieutenant of that whole county. The lord Paget, also, who had accepted the lieutenancy of Buckinghamshire, (and even appointed his deputies, as Mr. Whitlocke informs us) threw up his commission. This lord had, most zealously, concurred with the parliament in all their late measures: the Reasons for his sudden change of conduct will appear, from his own Letter in the sequel.

The Parliament's Second Declardtion concerning Hull.] Another conference was this day held between the two houses, in which the commons presented a second Declaration which had passed their house, to which they desired the lords concurrence. It was to this effect:

"The lords and commons in this present parliament, being informed that, upon the 23rd of

* Sir Richard Gourney, who had remarkably distinguished himself against the tumults raised about the time of passing the earl of Strafford's bill. He was afterwards removed from his office of lord mayor, &c. by the parliament.

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this Instant April, his majesty repaired to the town of Hull, and demanded it to be delivered up to him; and being denied by sir J. Hotham, appointed by both houses to keep that town, for the safety and peace of the kingdom, his majesty said, 'That if sir J. Hotham would not let him into the town, he would raise the Trained-Bands and force him to it.' And being further informed, That, shortly after, the sheriff of Yorkshire did receive a Message intimating a command from his maj. to raise the Trained-Bands and power of the county; and that the justices of the peace, and gentlemen of it, have been summoned to attend his maj. at York, as they have cause to believe, for the same purpose; to the great terror of his majesty's subjects in those parts, and the disturbance of the public peace; the lords and commons do declare, That the said command to the sheriff, and the summoning the justices of peace, &c. to the purpose aforesaid, is against the laws of the land, and the liberty of the subject; and very derogatory from the honour and power of the parliament, now sitting, being his majesty's great council, and most ready and willing to advise and assist him in all things that may tend to the honour and safety of his person, the weal and happiness of the church and state. And they further declare, That if any persons whatsoever, in the said county of York, or elsewhere, shall advise or assist in the raising of any forces to the purpose above, they shall be deemed as disturbers of the common peace, and enemies to the king and state; and shall receive such severe punishments as, by the laws of this land, are to be inflicted on offenders of such high nature."—Agreed to by the lords.

A Counter Petition to the King from others of the Yorkshire Gentry, &c.] May 2. At a conference held this day, the commons presented to their lordships consideration, a Petition delivered to his majesty, by some of the knights, gentry, and freeholders of the county of York. This Petition was framed on a different system from the last; representing that as the work of a few gentlemen only; who took upon them to anticipate the demonstrations of duty, which they were informed both houses were preparing to lay before the king, for his resolutions thereupon, directly opposite to the Petition from parliament, about removing the Magazine from Hull, and tending to foment divisions between the king and his great council. They desired his majesty to apply himself to all good ways of union; that those duties, which, by the laws of God and man, they owed, and which were expressed in their last Protestation, might not become a divided proposition; since the defence of his majesty's person, honour and estate, the power and privileges of parliament, and the lawful rights and liberties of the subject, taken jointly, did all serve to strengthen each other, which they would equally labour to preserve to the utmost of their powers, lives, and estates.—After this, were read some Propositions made by the king to those Yorkshire gentlemen, and their Answer to them. The substance of the first was, To know whether they would defend his majesty's royal person from violence, according to their duty, or not? And to have their advice concerning his not being admitted into his town of Hull; how his majesty may be yindicated in his honour for the affront; and how he may be put in possession of his own. To which they answered,

"May it please your most sacred majesty; We shall be ready to defend your majesty's person from violence, by all such ways as the laws and our duty binds us: and for the means to vindicate your majesty's honour, and put you into possession of your town, we conceive the best advice we can offer is, humbly to desire your maj. to hearken to the counsel of the parliament; who, we assure ourselves, will be careful of your majesty's person and honour, and to whom you have been pleased to direct a Message."

A Committee of both Houses appointed to go into Yorkshire.] On consideration of these, the commons said, "That they desired the lords to join with them in returning thanks to the Yorkshire gentry, for their conduct in this affair, and especially to the then high sheriff, sir Rd. Hutton, sir H. Cholmley, and Mr. Pelham, two members of their house. Likewise the commons said it was fit and necessary to send down some of their members, as a committee, into Yorkshire, with instructions from both houses; and they leave it to their lordships judgment, whether they would send any members of their house to join with them. Lastly, They desired that the committee of both houses, last appointed, might meet and expedite the Answer to the king's two last Messages concerning Hull, &c." All this was agreed to by the lords; and the lord Howard of Escrick was appointed to go with a committee of the commons to York.

The E. of Ormond's success in Ireland.] This day the relation of a great victory, obtained by the English against the rebels in Leinster, was read in the commons, and ordered to be forthwith printed. Mr. Pym was also desired to prepare a Letter, to be sent to the earl of Ormond, in acknowledgment of his great service done therein. The commons afterwards ordered 500*l.* to be laid out in a jewel as a present to his lordship; and Mr. Goodwin was sent to the lords, to desire them to join in a Petition to the king to make the said earl a knight of the garter.

The twelve Bishops bailed.] May 5. On the humble Petition of the 12 Bishops, imprisoned now in the Tower above 18 weeks, they were released by the lords, upon bail. The abp. of York and his sureties were bound in 5000*l.* and he ordered not to go to his diocese during the disturbances in that county.

The Parliament's Answer to the King's Refusal to pass the Militia Bill.] The lords, having considered the commons Declaration concerning the Militia, made some small amend-

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ments to it; which being agreed to, it was this day read in the house of lords in hæc verba:

"The lords and commons holding it necessary, for the peace and safety of this kingdom, to settle the Militia thereof, did, for that purpose, prepare an Ordinance of parliament; and, with all humility, did present the same to his majesty for his royal assent; who, notwithstanding the faithful advice of his parliament, and the several reasons offered by them of the necessity thereof, for the securing of his majesty's person, and the peace and safety of his people, did refuse to give his consent; and thereupon they were necessitated, in discharge of the trust reposed in them as the representative body of the kingdom, to make an Ordinance, by authority of both houses, to settle the Militia, warranted thereunto by the fundamental laws of the land: His maj. taking notice thereof, did, by several Messages, invite them to settle the same by act of parliament; affirming in his Message, sent in Answer to the Petition of both houses, presented to his majesty at York the 26th of March, 'That he always thought necessary the same should be settled, and that he never denied the thing, only denied the way; and for the matter of it, took exceptions only to the preface, as a thing not standing with his honour to consent to; and that himself was excluded the execution, and for a time unlimited:' Whereupon the lords and commons (being desirous to give his maj. all satisfaction that might be, even to the least tittle of form and circumstance) when his maj. was pleased to offer them a bill ready drawn, did, for no other cause than to manifest their hearty affection to comply with his majesty's desires and obtain his consent, entertain the same; and in the mean time no way declining their Ordinance, and to express their earnest zeal to correspond with his majesty's desire (in all things that might consist with the peace and safety of the kingdom, and the trust reposed in them) did pass that bill; and therein omitted the preamble inserted before the Ordinance, limited the time to less than two years, and confined the authority of the lieutenants to these 3 particulars, namely, Rebellion, Insurrection, and foreign Invasion; and returned the same to his majesty for his royal assent. But all these expressions of affection and loyalty, all these desires and earnest endeavours to comply with his majesty, have, to their great grief and sorrow, produced no better effect than an absolute denial even of that which his majesty, by his former Messages, as we conceive, had promised; the advice of evil and wicked counsels receiving still more credit with him than that of his great council of parliament, in a matter of so high importance, that the safety of his kingdom, and the peace of his people, depends upon it. But now, what must be the exceptions to this Bill? Not any sure, that was to the Ordinance; for a care was taken to give satisfaction in all those particulars. Then the exception was, Because that the disposing and execution thereof was referred to both houses of parliament, and his maj. excluded: and now, That, by the bill, the power and execution is ascertained and reduced to particulars, and the law of the realm made the rule thereof, his maj. will not trust the persons: the power is too great, too unlimited to trust them with. But what is that power? Is it any other, but in express terms to suppress Rebellion, Insurrection, and foreign Invasion? and who are those persons? are they not such as were nominated by the great council of the kingdom, and assented to by his majesty? and is it too great a power to trust those persons with the suppression of Rebellion, Insurrection, and foreign Invasion? surely the most wicked of them that advised his majesty to this Answer cannot suggest but that it is necessary, for the safety of his majesty's royal person and the peace of the kingdom, such a power should be put in some hands: and there is no pretence of exception to the persons.—His majesty, for the space of above 15 years together, thought not a power far exceeding this to be too great to intrust particular persons with, to whose will the lives and liberty of his people, by martial law, were made subject; for such was the power given to lord lieutenants and deputy lieutenants in every county of this kingdom, and that without consent of his people or authority of law: but now, in case of extreme necessity, upon the advice of both houses of parliament, for no longer space than two years, a lesser power, and that for the safety of king and people, is thought too great to trust particular persons with, though named by both houses of parliament, and approved of by his maj. himself.—And surely, if there be a necessity to settle the Militia, (which his maj. was pleased to confess) the persons cannot be intrusted with less power than this to have it at all effectual. And the precedents of former ages, when there happened a necessity to raise such a power, never straitened that power to a narrower compass; witness the Commissions of Array in several king's reigns, and often issued out by the consent and authority of parliament.—The *lords* and commons therefore, intrusted with the safety of the kingdom and peace of the people (which they call God to witness is their only aim) finding themselves denied these their so necessary and just demands, and that they can never be discharged before God or man, if they should suffer the safety of the kingdom and peace of the people to be exposed to the malice of the malignant party at home, or the fury of enemies from abroad: and knowing no other way to encounter the imminent and approaching danger, but by putting the people into a fit posture of defence, do resolve to put their said Ordinance in present execution; and do require all persons in authority, by virtue of the said Ordinance, forthwith to put the same in execution, and all others to obey it, according to the fundamental laws of the kingdom in such cases; as they tender the upholding of

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the true Protestant religion, the safety of his majesty's person and his royal posterity, the peace of the kingdom, and the being of this common-wealth."

This Declaration was ordered to be forthwith printed and published, and warrants were issued for exercising the Militia, throughout the kingdom.*

The Parliament's Answer to the King's Messages concerning Sir John Hotham.] Next the Answer to the King's two Messages about sir J. Hotham and Hull was read, and the Commissioners Instructions, which were both as follows:

The most Humble ANSWER of the LORDS and COMMONS in Parliament to two Messages from your sacred Majesty, concerning Sir J. Hotham's Refusal to give your Majesty Entrance into the Town of Hull.

"Your majesty may be pleased to understand, that we, your great council, finding manifold evidences of the wicked counsels and practices of some in near trust and authority about you, to put the kingdom into a combustion, by drawing your majesty into places of strength, remote from your parliament; and by exciting your people to commotions, under pretence of serving your maj. against your parliament: lest this malignant party, by the advantage of the town and magazine of Hull, should be enabled to go through with their mischievous intentions, did (in discharge of the great trust that lies upon us, and by that power which, in cases of this nature, resides in us) command the town of Hull to be secured by a garrison of the adjoining Trained Bands, under the government of sir J. Hotham; requiring him to keep the same for the service of your maj. and the kingdom; wherein we have done nothing contrary to your royal sovereignty in that town, or legal property in the magazine. Upon consideration of sir J. Hotham's proceedings at your majesty's being there, we have, upon very good grounds, adjudged, That he could not discharge the trust upon which, nor make good the end for which, he was placed in the guard of that town and magazine, if he had let in your majesty, with such counsellors and company as were then about you.—Wherefore, upon full resolution of both houses, we have declared sir J. Hotham to be clear of that odious crime of treason; and have avowed, That he hath therein done nothing, but in obedience to the commands of both houses of parliament; assuring ourselves, that, upon mature deliberation, your maj. will not interpret his obedience to such authority to be an affront to your majesty; or to be of that nature as to require any justice to be done upon him, or satisfaction to be made to your majesty; but that you will see just cause of joining with your parliament, in preserving and securing the peace of the kingdom; suppressing this wicked and malignant party, who, by false colours and pretensions of maintaining your majesty's prerogative against the parliament, wherein they fully agree with the rebels in Ireland, have been the causes of all our distempers and dangers.—For prevention whereof we know no better remedy, than settling the Militia of the kingdom according to the Bill which we have sent your majesty; without any intention of deserting or declining the validity or observance of that Ordinance, which past both houses upon your majesty's former refusal; but we still hold that Ordinance to be effectual by the laws of this kingdom.—And we shall be exceeding glad, if your majesty, by approving these our just, dutiful and necessary proceedings, shall be pleased to entertain such counsel, as we assure ourselves, by God's blessing, will prove very advantageous for the honour and greatness of your majesty, and the safety and peace of your people; amongst which we know none more likely to produce such good effects, than a Declaration from your maj. of your purpose to lay aside all thoughts of going into Ireland; and to make a speedy return into these parts, to be near your parliament: which, as it is our most humble desire and earnest petition, so shall it be seconded with our most dutiful care for the safety of your royal person; and constant prayers that it may prove honourable and successful, in the happiness of your majesty and all your kingdoms."

The Parliament's Instructions to the Yorkshire Committee.] Then follow the Instructions, viz.

INSTRUCTIONS for Edw. lord Howard, Ferdinando lord Fairfax, sir Hugh Cholmley, sir Philip Stapylton, sir Henry Cholmley, Committees of both Houses of Parliament, or any three of them.

1. "You shall, in the name of both houses, declare and publish unto the sheriff of the county of York, the knights, gentlemen, and others, his majesty's subjects in that county, That sir J. Hotham was, by us, commanded to secure the town of Kingston upon Hull, and the Magazine there for his majesty's service and the peace of the kingdom, which, otherwise, would have been much endangered; and that, upon the same reason, what hath since been done there by him hath been necessary in pursuance of those directions; and is by us avowed and approved of, as warranted by the authority of both houses of parl. 2. You shall further take care, that such Resolutions and Orders of both houses, as have or shall be sent down, be put in execution; and shall require the sheriffs, justices of the peace, and all other his majesty's officers and loving subjects, to be aiding and assisting unto you for that purpose. 3. You shall take care, that no forces be raised for the forcing the town of Hull, or otherwise to disturb the peace of the kingdom; and, in

* Lord Clarendon observes hereupon, That this being the first Order for printing, without a previous communication or presentment to the king, his majesty was much troubled how to take proper notice of it.

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case any be raised, you shall require the sheriff, in the name of both houses, to command them to disperse themselves; and, if they refuse so to do, that then the sheriff, by the same authority shall forthwith raise the power of the county for the suppressing of them; and you shall likewise by the same authority require the lord lieutenant, appointed by the Ordinance of Parliament, and, in his absence, the deputy lieutenants, to draw together the Trained Bands, for the assistance of the said sheriff in so doing. 4. Whereas we are informed, That his majesty did, at York, propound unto the knights and gentlemen of that county, there assembled by his command, that they would join with him for the defence and assistance of his own person: you shall declare unto them, and all others, That it hath ever been, and still shall be, the chief care and endeavour of the parliament to provide for his majesty's safety; and that they do not know of any evil intended unto his royal person, which should move him to take such a course: that his greatest safety is in the affection, duty, and faithful advice of his parliament; and his greatest danger in his withdrawing himself from them, and proceeding in ways contrary to them: so as the disaffected and malignant party, under colour of his service, go about to raise a faction and a party against the parliament; which, at last, may break out into an open rebellion, to the destruction both of king and people, if it be not, through the blessing of God, prevented by the wisdom and authority of parliament. 5. That, in case there be a necessity for raising the forces of the county for the suppression of any insurrection and keeping the peace, you shall require sir John Hotham to deliver such proportion of arms and ammunition out of the magazine there, as shall be necessary for that service: and you shall publish and declare, That the parliament holds it lawful and necessary, to dispose of the public magazines of the kingdom for the defence of the kingdom; as likewise for the suppression of the rebellion in Ireland, which doth so much concern the safety of this kingdom: but that it is their intention, and resolution, to store them again; as holding it fit such a proportion shall still be in readiness, upon all occasions, for the service of the king and defence of the commonwealth. 6. Whereas we are informed, That divers persons, summoned to appear at the parliament, have received a command under his majesty's hand, not to come there, but to abide still near his majesty's person, for which service we conceive them to be of all others the most unfit; and that the sheriff hath also been commanded, by his majesty, not to execute any warrant or order upon them: you shall let the sheriff know, That the houses of parliament will expect that their orders and commands shall be obeyed, the same being his majesty's authority signified by his highest court; and that any restraint, or command, to the contrary, is against law and the privilege of parliament. 7. You shall endeavour to clear the proceedings of parliament from all imputations and aspersions, and shall, from time to time, certify us of all things you may conceive necessary for the present service: and, that we may have a speedy account of it, and that our directions to you, as well as your advertisements to us, may have a clear and ready passage, you shall lay a strict charge upon all post-masters, that they do not suffer any letters, or other dispatches directed to or from the parliament, to be intercepted or stayed: and, if any shall presume to make such stay of those dispatches, you shall direct the post-masters to repair to the justices of peace, constables, and all other officers, for their aid and assistance; who are hereby required to take special care there may be no such interruption. 8. You shall observe and execute all such farther directions and instructions, as you shall, from time to time, receive from both houses of parliament."

The Marq. of Hertford's Letter concerning the Prince of Wales.] May 6. The earl of Essex presented a Letter to the lords, which he had received from the marquis of Hertford, governor to the prince of Wales, which was read to this effect:

"My noble lord; It being expected from me that I should give Answer to the house of peers, whether I would undertake that the prince should not be conveyed out of this kingdom, I humbly desire your lordship to make this Answer from me, That I will undertake that the prince shall go no further than his majesty goeth, for so it hath pleased him to assure me; and that he shall not stir from him. For any other undertaking I utterly disclaim it, as being a thing out of my power, and, consequently, a great rashness and presumption in me to undertake. Thus much I once more humbly pray your lordship to present, with my humble and earnest desire that the Order may be taken off, which may be so prejudicial to me, especially since I have so far declared myself. God remove all jealousies from us, and put a true understanding between the king and his parliament; which shall ever be the earnest and hearty prayer of your lordship's most faithful brother, and humble servant, HERTFORD. York, May 3, 1642."

This Letter was referred to a committee of both houses, to consider what was to be done concerning the Prince's stay in England.

The King's Answer to the Parliament's Votes and Declarations concerning sir J. Hotham and Hull.] May 7. This day the lord keeper presented to the lords a Letter he had received from the king, with a Message inclosed; which he said he was commanded to deliver to them, and which was read in these words:

"Since our gracious Message of the 24th of April last, to both houses of parliament (demanding justice for the high and unheard-of affront offered unto us at the gates of Hull by sir J. Hotham) is not thought worthy of

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an Answer; but that, instead thereof, they have thought fit, by their printed Votes of the 28th of April last, to own and avow that unparalleled act of sir J. Hotham's to be done in obedience to the command of both houses of parliament, though at that time he could produce no such command; and, with other Resolutions against our proceedings there, to publish a Declaration concerning that business, as an appeal to the people; as if their intercourse with us, and for our satisfaction, were now to no more purpose: though we knew this course of theirs to be very unagreeable to the modesty and duty of former times, and unwarrantable by any precedents but what themselves have made, yet we are not unwilling to join issue with them in this way, and to let all the world know, how necessary, just, and lawful all our proceedings have been in this point; and that the defence of these proceedings is the defence of the law of the land, of the liberty and property of the subject; and that by the same rule of justice, which is now offered to us, all the private interest and title of all our good subjects to all their lands and goods are confounded and destroyed. Mr. Pym himself tells you, in his Speech against the earl of Strafford, (published by the Order of the house of commons) 'The law is the safeguard, the custody of all private interests; your honours, your lives, your liberties, and estates are all in the keeping of the law; without this, every man hath a like right to any thing.' And we would fain be answered, What title any subject of our kingdom hath to his house or land, that we have not to our town of Hull? Or what right hath he to his money, plate, or jewels, that we have not to our magazine or munition there? If we had ever such a title, we would know when we lost it? And if that magazine and munition, bought with our own money, were ever ours, when and how that property went out of us? We very well know the great and unlimited power of a parliament; but we know as well, that it is only in that sense, as we are a part of that parliament. Without us, and against our consent, the Votes of either or both houses together must not, cannot, shall not (if we can help it, for our subject's sake as well as our own) forbid any thing that is enjoined by the law, or enjoin any thing that is forbidden by the law; but, in any such alteration which may be for the peace and happiness of the kingdom, we have not, shall not, refuse to consent: and we doubt not but that all our good subjects will easily discern in what a miserable insecurity and confusion they must necessarily and inevitably be, if descents may be altered, purchases avoided, assurances and conveyances cancelled, the sovereign legal authority despised and resisted, by Votes or Orders of either, or both houses: this, we are sure, is our case at Hull; and as it is ours to-day, by the same rule it may be theirs to-morrow.—Against any desperate designs of the Papists we have sufficiently expressed our zeal and intentions, and shall be as forward to adventure our own life and fortune to oppose any such designs, as the meanest subject in our kingdom.—For the Malignant Party, as the law hath not to our knowledge defined their condition, so hath neither house presented them to us, under such a notion as we may well understand whom they intend; and we shall therefore only enquire after, and avoid, the malignant party under the character of persons disaffected to the peace and government of the kingdom; and such who, neglecting and despising the law of the land, have given themselves other rules to walk by, and so dispensed with their obedience to authority; of these persons, as destructive to the common-wealth, we shall take all possible caution. —Why any Letters intercepted from the lord Digby (wherein he mentions a retreat to a place of safety) should hinder us from visiting our own fort; and how we have opposed any ways of accommodation with our parliament; and what ways and overtures have been offered in any way, or like any desire of such accommodation; or whether our Message of the 20th of Jan. last, so oft in vain pressed by us, have not sufficiently expressed our earnest desire of it, let all the world judge: Neither is it in the power of any persons to incline us to take arms against our parliament and our good subjects, and miserably to imbroil this kingdom in civil wars. We have given sufficient evidence to the world how much our affections abhor, and our heart bleeds at, the apprehension of a civil war; and let God and the world judge, (if our care and industry be only to defend and protect the Liberty of the Subject, the Law of the Kingdom, our own just Rights (part of that law) and our honour, much more precious than our life: and if, in opposition to these, any Civil Wars shall arise) upon whose account the blood and destruction that must follow must be cast: God and our own conscience tells us that we are clear. —For capt. Legge's being sent heretofore to Hull, (though, by the way, this is the first time we ever heard that he was accused for the practice of bringing up the army against the parliament; neither do we yet know that there is such a charge against him) or for the earl of Newcastle's being sent thither by our warrant and authority, we asked a question long ago, in our Answer to both houses concerning the Magazine at Hull, which we have cause to think is not easy to be answered: 'Why the general rumour of the designs of Papists in the Northern parts should not be thought sufficient ground for us to put in such a person of honour, fortune, and unblemished reputation, as the earl of Newcastle is known to be, into a town and fort of our own, where our own Magazine lay; and yet the same rumour be warrant enough to commit the same town and fort, without our consent, to the hands of sir J. Hotham, with such a power, as is now too well known and understood?' How our refusal to have that Magazine removed, upon the Petition of both houses, could give an advantage against us to have it taken from

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us, and whether it was a refusal, all men will easily understand who read our Answer to that Petition, to which it hath not been yet thought fit to make any reply.—For the condition of those persons who presented the Petition to us at York, (whom that Declaration calls, 'Some few ill-affected persons about the city of York') to continue the Magazine at Hull; we make no doubt but that Petition will appear to be attested, both in number and weight, by persons of honour and integrity, and much more conversant with the affections of the whole county, than most of those Petitions which have been received with so much consent and approbation: and for their presumption of interposing their advice, we the more wonder at that exception, when such encouragement hath been given, and thanks declared, to multitudes of mean and unknown People, 'Prentices and Porters, who have accompanied Petitions of very strange natures.—For the Manner of our going to Hull, we have clearly set forth the same in our Message to both houses on that business; and for any intelligence given to sir J. Hotham, of an intention to deprive him of his life, as we know there was no such intention in us, having given him all possible assurance of the same at our being there; so we are confident no such intelligence was given, or if it were, it was by some villain, who had nothing but malice, or design to fright him from his due obedience, to warrant him. And sir J. Hotham had all the reason to assure himself, that his life would be in much more danger by refusing to admit his king into his own town and fort, than by yielding him that obedeience, which he owed, by his oaths of allegiance and supremacy, and the protestation, and he well knew was due and warrantable by the laws of the land.—For the Number of our Attendants, (though that could be no warrant for such a disobedience in a subject) it is well known, as we expresed in our Message to both houses, to which credit ought to have been given, that we offered to go into the town with 20 horse only, our whole train being unarmed: and whosoever thinks that too great an attendance for ourself and our two sons, have sure an intention to bring us to a meaner retinue than they yet will avow.—Here then is our case, of which let all the world judge: we endeavoured to visit a town and fort of our own, wherein our own Magazine lay; a subject, in defiance of us, shuts the gates against us; with armed men resists, denies, and opposes our entrance; tells us, in plain terms, we shall not come in. We do not pretend to understand much law, yet, in the point of Treason, we have had much learning taught us this parliament; and if the sense of the statute, 25 Edw. 3. c. 2. be not very different from the letter, sir J. Hotham's act was no less than plain high treason: and we had been contemptibly stupid, if we had, after all those circumstances of grace and favour then shewed him, made any scruple to proclaim him traitor; and whether he be so or no, if he shall render himself, we will require no other trial, than that which the law hath appointed to every subject; and which we are confident we have not, in the least degree, in those proceedings violated, no more than we have done the privileges of parliament by endeavouring, in a just way, to challenge our own unquestionable privileges: for that in such a case, the declaring him traitor, being a member of the house of commons, without process of law, should be a breach of privilege of parliament (of which we are sure none extends to treason, felony, or breach of the peace) or against the liberty of the subject, or against the law of the land, we must have other reasons than bare Votes.—We would know if sir J. Hotham had, with those forces by which he kept us out of our town of Hull, pursued us to the gates of York, which he might as legally have done, must we have staid from declaring him traitor, till process of law might have issued against him? Will fears and jealousies dispense with real and necessary forms; and must we, when actual war is levied upon us, observe forms which the law itself doth not enjoin? The case is truly stated; let all the world judge (unless the mere sitting of a parliament doth suspend all laws, and we are the only person in England against whom treason cannot be committed) where the fault is: and whatsoever course we shall be driven to for the vindication of this our privilege, and for the recovery and maintenance of our known and undoubted rights, we do promise, in the presence of Almighty God, and as we hope for his blessing in our success, that we will, to the utmost of our power, defend and maintain the true Protestant Profession, the Law of the Land, the Liberty of the Subject, and the just Privileges and Freedom of Parliament.—For the Order of Assistance given to the committees of both houses, concerning their going to Hull, we shall say no more, but that those persons, named in that Order, we presume will give no commands, or our good subjects obey, other than what are warranted by the law, how large and unlimited soever the Directions are, or the Instructions may be; for to that rule we shall apply our own actions, and by it require an account from other men. And that all our good subjects may the better know their duty in matters of this nature, we wish them carefully to peruse the statute in the 11th year of Hen. 7. c. 1. We conclude with Mr. Pym's own words: 'If the prerogative of the king overwhelm the liberty of the people, it will be turned to tyranny: if liberty undermine the prerogative, it will grow into anarchy:' And so we say into confusion."

The lords taking this Message into consideration, were of opinion, That it was the fruits of the evil Counsels and Advice about the king; and therefore resolved to communicate the same to the commons, at a conference: and to move that the houses may speedily think of naming such persons as are the evil counsellors about his majesty, that so

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some course may be advised how to remove them from him: accordingly their lordships sent to the commons, to desire a conference on a Message, received from the king, of a very high nature; at which a committee of both houses was appointed to prepare a speedy Answer.—In the report of this conference, made by Mr. Hollis to the commons, he observed, That the earl of Essex said in it, "That the lords observed these Messages from the king to go higher and higher; and believed the king to be of that goodness, that they came not from himself; but from such as are incendiaries, and that endeavour to raise a division between the king and parliament: That the lords had formerly moved them to name those evil counsellors, and did now press it again; and were ready to join with them in it, and did now lay it at their doors, the commons being the representative body of the kingdom, and were most concerned in it."—Hereupon the commons made an Order, and appointed the Monday following for nominating the evil Counsellors and malignant Party about the king; but we do not find any thing further done in this affair.

Sir H. Ludlow reproved by the Speaker, for reflecting on the King.] The same day some exceptions having been taken at words spoke by sir Henry Ludlow, he explained himself, and withdrew. And the house entered into debate thereof; after which he was called to his place: And Mr. Speaker told him, "That the words which he spake, were words that had an aspect towards the king; and, when words fall from him, that may reflect upon his sacred person, he ought to weigh them, that they may be accompanied with that duty which is due from a loyal subject to so gracious a sovereign." It is not mentioned in the Journals what the words were: but, in the king's Declaration of August the 12th in this year, they are said to be these, "That the king was not worthy to be king of England." *

The Scots Privy Council's Opinion, as to the King's going to Ireland.] The king's Message to the parliament, concerning his going into Ireland, having been thought proper to be communicated to the privy council in Scotland, their Opinion thereupon was this day read in the house of lords, and was as follows:

"The lords of the privy council of the kingdom of Scotland, in a full meeting, having, according to the importance of matters of so great weight and high concernment, maturely and at length, considered the several Declarations, Messages, Answers, and Instructions sent unto them from his majesty: as also what hath been represented unto them, in the Declaration sent from the parliament of England; do find themselves bound, in duty, to acknowledge that they esteem it no small happiness to receive true and full informations from the fountains; and not to be left to the muddy and wandering streams of private misreports, which are ready to mislead such as follow them, from the right understanding of the truth, into the dangerous bye paths of jealousies and error: the preventing whereof made this kingdom, in the time of their late troubles, so frequently to declare themselves and their intentions, both to the king's majesty and the kingdom of England.—They do also receive and embrace, with all humble respect and thankfulness, from his majesty, the large and lively expressions of his royal and religious resolution and care to maintain and preserve the true religion, liberties, and laws of his kingdoms, together with a right correspondence betwixt them; it being the true and only foundation of greatness and glory to himself and his posterity, and of peace and happiness to his people; for which this whole kingdom, being straitly bound by their common allegiance, natural obedience, and national oath never to be forgotten, will be ever most willing to spend their lives, fortunes, and what is dearest unto them.—They do in like manner, with reciprocal brotherly affection, acknowledge the large testimony of the care and zeal of the parliament of England, to keep a right understanding betwixt the two nations; which both parliaments have obliged themselves, by solemn vow and protestation, by all good ways and means to preserve; against which no sinister information, nor misreport, shall ever make this kingdom to fall into such misconstruction, as may be a violation of their own vow and protestation made in parliament: but, in the midst of this their joy and gladness, arising upon the professions and protestations both of king and parliament, they cannot but confess their unfeigned grief and great fears which they have received, upon the misunderstanding and so long distractions betwixt his majesty and his parliament: which, unless they be speedily removed, can bring forth no other fruits than the rejoicing and triumphs of the common enemies of our religion and peace; and such a world of evils to his maj. and his dominions, as they are loath to suffer themselves to think upon; but chuse rather to wrap them up in silence: wishing that they be made never more to appear, to the encouragement of ill affected persons, and the grief of the hearts of all good men.—And therefore, upon the one part, they wish and are confident, That the hon. houses of parliament, in their great wisdom and affection, will leave no fair and good means unessayed to induce his maj. to return unto them; that there may be a better understanding betwixt him and his people, and they honoured with his royal presence, and strengthened by his scepter and authority. And, although they know that they neither will; nor should meddle with the public actions of another kingdom, farther than as they are called and interested as fellow-subjects under one head and monarch: yet, since the hon. houses of parliament have thought meet to draw the

* This sir H. Ludlow was the Father of lieut. general Edmund Ludlow, one of the regicides, and author of the Memoirs.

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practice of the parliament of Scotland into example, in the point of their Declaration; they are confident that the affection of the parliament will lead them, also, to the practice of this kingdom, in composing the unhappy differences betwixt his maj. and them; and, so far as may consist with their religion, liberty, and laws, in giving his maj. all satisfaction; especially in their tender care of his royal person, of his princely greatness and authority, and the prosperity of the kingdom.—Upon the other part, from the deep sense of his majesty's troubles, and from the love and loyalty of their hearts, their humble desire is, That his maj. may be pleased to hearken to the earnest desires and hearty invitations of his people, in returning to his parliament; which, as it is his great, so it is his best and most impartial, council; that, by the brightness of his majesty's presence and countenance, all the clouds of former jealousies and fears may be scattered; a mutual confidence may be revived; and his people satisfied, as the only means of happiness both to the king and kingdom; the reflection whereof, upon this kingdom, will also increase our happiness.—And, since his maj. hath been pleased to make known unto them his resolution to go for Ireland, in his royal person, they are bold, as his majesty's loving subjects and faithful counsellors, to give their humble opinion, That as they do, with their hearts, acknowledge his majesty's fatherly composing of the sufferings of his good subjects by the Rebellion there; his princely endeavours in quickening all means that may serve for their relief, and for the more speedy and powerful suppression of the rebels, and deliverance of his people, in offering to hazard his own royal person; than which there can be no greater demonstration of princely care and courage: so they, by their natural affection, and by their desire of the preservation of his majesty's person, (upon which dependeth the safety of this kingdom) are constrained, in all humility, to represent, That they conceive it to be a matter which requireth very mature deliberation, Whether his maj. shall hazard his own royal person in such a war, and thereby also put all his good subjects in great fears for him? Whether the great affairs and dangerous distractions of this kingdom of England (which never did more require his personal presence) may suffer his absence at this time? Whether his going, in person, against such base rebels be not descending too low from that highest dignity and royal eminency wherein God hath placed him, as his immediate vicegerent? And whether it be not more for his majesty's honour and safety, and for the inward security of his people against their fears of danger to his majesty's person, and their outward quietness against danger to themselves, to command such forces of his willing subjects to go in that expedition, as, by God's help and assistance, may be more than sufficient to crush that rebellion, and to reduce the whole kingdom to his majesty's obedience? But, concerning this, they wish and hope that his maj. may be pleased to hear and consider the advice and council of his parliament of England, as being most nearly concerned in the matters of Ireland; although none be more so in their interest in his majesty's royal person.—In the end, they do humbly intreat, That all means may be forborn which may make the breach wider and the wound deeper; and that no place be given to the evil spirit of division, which at such times worketh incessantly and resteth not: but that the fairest, the most Christian, and compendious way may be taken, by so wise a king and parliament, as may, against all malice and opposition, make his maj. and posterity more glorious and his kingdoms more happy than ever: for this blessed and earnestly wished-for conclusion, according to their manifold obligation and duty, they do offer their best endeavours; and for the present, have sent up the earl of Loudon, chancellor of the kingdom, who will give a more full declaration of their mind and desires.—ARCH. PRIMROSE, Clerk of the Council."

The King forbids all Persons in Yorkshire to obey any Summons of Parliament.] May 9. The lords were informed that their Orders, &c. were contemned in York; and this day two of their messengers, sent to bring up some persons as delinquents, appearing before them, made oath that they received the following paper from secretary Nicholas:

"I have, according to your desires, acquainted his majesty with the three Orders you shewed me from the parliament, for summoning some of his majesty's servants, and others of this county, to attend the parliament; to which he has commanded me to give you this Answer: That he will not give way that any of his servants, or others of this county, shall go out of this shire, until he shall have justice done him by the parliament against sir J. Hotham, for the affront and indignity offered to his majesty at Hull."

The first thing the lords did after reading this Paper, was to send an Order to the high sheriff of the county of York, to bring, or cause to be brought, before them, the bodies of sir Tho. Darrel and sir John Hales; and that their committee, residing in York, should see this Order put in execution. Next, the lords conceiving this business to be a great breach and contempt of the power of parliament; and in regard the said persons were sent for at the desire of the commons; a committee of both houses was appointed to consider of the aforesaid Paper, and what was proper to be done upon it.

Propositions of the Commons against Popish Recusants.] May 10. The lord keeper reported the effect of a conference, held yesterday, between the two houses, which consisted of divers heads, presented by the commons; the first of which was matter of Religion, which, as the anchor of Christians, and the stay of Faith, they were very tender of. 1. The commons observed, "That the Papists had been very active since the Ordinance of parliament &

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disarming them; and they were informed that the Magazine at Monmouth was as much under the command of the earl of Worcester, as if it was in his own castle of Ragland; therefore they have ordered the magazine to be removed to Newport; to which they desired the lords concurrence, because of the great resort of Papists who live near Monmouth and Ragland, and of the activeness of the earl of Worcester, and his son. 2. They desired that the said earl, and all other recusants in those parts, might be forthwith disarmed, and their arms and ammunition sent to Newport; and an Order sent down, to the sheriff and justices of the county of Monmouth, for that purpose. —The third head was on the great resort and confluence of people that go to mass at ambassadors houses; which ought not to be suffered, because there was a petition, from both houses, presented to the king, touching this matter, 21 Jac. and again 1 Car. which were consented to; and those Answers amount to the form and value of a law. There was a positive law, also, against this, by act of parliament, by which none are to go to mass, upon pain of 100*l.* That there was no such liberty to the king's subjects of our religion, neither in Spain, Italy, Germany, nor France; and we should be as careful of our religion, as they of their idolatries. Ambassadors are public ministers, and have great privileges, jure gentium; but if they swerve from the due execution of them, and break the laws of the land, they are not to be suffered therein. That the commons lately gave a warrant to apprehend such of the king's subjects as went to mass at ambassadors houses; and one being apprehended as he went to the Portugal ambassador's house, 60 yards from it, a tumult arose, and the party was rescued out of the hands of the officers, by the ambassador's men and others, swords being drawn; and the ambassador, out of his balcony, crying, 'Kill them, kill them.' This the commons hold to be an affront of a very high nature; and do think fit that their house be vindicated for this affront; which they leave to their lordships speedy consideration. 4. Against one Chandler, an Englishman, and agent and consul for the English merchants at Lisbon, a Papist, for tampering with and perverting his majesty's subjects from the Protestant religion; and his wife, being also a Papist, corrupts many wives and children. They therefore desire he may be recalled. 5. Against Priests and Jesuits, the king's native subjects, being protected under the title of chaplains and menial servants. That the commons were informed the Spanish ambassador is industrious in advancing religion this way; and hath 30 or 40 priests, who go in lay habits, and attend on him as menial servants, yet go abroad and pervert and corrupt the king's subjects from their religion. Priests and Jesuits, they said, were locusts and vermin; who have done so much mischief in Ireland, and may do the like here, in England, if not prevented; for their opinions are, 'Juramentum fidelitatis proprio suo principi, datum authoritate principis sive præsidis, Romani Pontificis authoritate posse dissolvi."—The lords, taking these matters into consideration, agreed with the commons in all these Propositions, except in the Portugal Ambassador's affair, which is not mentioned.

May 11. This day the commons, also, sent up Impeachments against sir George Strode and Rd. Spencer, esqrs; concerned in the affair of the Kentish Petition.

Letter to the Parliament from their Committee at York.] May. 12. The house of lords and commons received letters from their Committee at York, both to the same purport, which were read in these words:

"We came hither, to York, upon Sunday last, and then understood that his majesty had commanded the gentry of this county to wait upon him on Thursday next. Yesterday being Monday, we were admitted to the king's presence, where we delivered your Declaration; and this afternoon he sent for us, and gave us this Answer inclosed, giving us a strict command to carry it up ourselves to parliament. We told him, That we were commanded to stay here and attend upon him, and use our best endeavours in keeping the peace of the country. He replied, 'That if we would positively disobey him, and stay here, he would advise us not to make any party, or hinder his service in the country, for, if we did, he would clap us up.' We humbly answered, That our denying to go at this time was no personal disobedience in us to his majesty, but that we were engaged in our duty to the parliament, and in our honour; having undertaken to observe those Instructions we had received, and were tending only to his honour and the peace of the kingdom; but not to make nor nourish any party; nor could we be commanded from staying here to execute them, without a great breach of the privilege of parliament. Upon this our humble excuse, that we could not depart thence, his majesty enjoined us to attend his person on Thursday, to hear what he should say to the gentlemen that were summoned to appear. After divers other passages he commanded us to shew him our Instructions, and withdrawing into a private room from the great company that was there present, he heard them read, took one of our copies, and so dismissed us. Thus far we thought good to give you an account of our employment; which, how full soever it may be of difficulties, yet shall we not be discouraged to do any thing, that, according to the trust reposed in us, shall conduce to the quiet and peace of the kingdom, and the honour of the parliament. In which hope we rest your faithful friends and servants, FER. FAIRFAX, HU. CHOLMLEY, PHIL. STAPYLTON, H. CHOLMLEY. York, May 10, 1642."

The King's Reply to the Parliament's Answer concerning sir J. Hotham, &c.] Then was read the king's Answer to the Parliament's Declaration concerning Hull, which came along with this letter. It was as follows:

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"His majesty was in good hope that the reason why you, so long, deferred your Answer to his Messages concerning Hull, was, That you might the better give him satisfaction therein; which now adds the more to his astonishment, finding this Answer, after so long advisement, to be of that nature which cannot but rather increase than diminish the present distractions, if constantly adhered unto by the parliament. Was it not too much, that his majesty's town of Hull had a garrison put into it, to the great charge of the country and inconvenience to the poor inhabitants, without his majesty's consent and approbation, under colour, at that time, of foreign invasion, and apprehensions of the Popish party; but now the reasons thereof must be enlarged with a scandal to his majesty and his faithful servants, only to bring in the more specious pretence for the avowing of sir J. Hotham's treasonable insolency? His maj. hath often heard of the great trust, that, by God and man's laws, is committed to the king, for the defence and safety of his people, but, as yet, hath never understood what trust or power is committed to either or both houses of parliament, without the king, they being summoned to counsel and advise the king; but by what law, or authority, they possess themselves of his majesty's proper right and inheritance, he is confident, that as they have not, so they cannot shew.—His majesty hitherto, hath not given the least interruption to public justice; but you, rather than suffer one of your members to come so much as to a legal trial for the highest crime, will make use of an Order of parliament to countenance treason, by declaring him free from that guilt which all former ages never accounted other; and that without so much as enquiring the Opinion of the judges: for his maj. is confident that you would have mentioned their opinion, if you had asked the same.—Therefore his maj. expects, that, upon further and better consideration of the great and necessary consequence of the business of Hull, and seriously weighing how much this doth concern the peace and quiet of the kingdom, you will, without further instance from his majesty, give him full and speedy justice against sir J. Hotham; and he leaves all his good people to think what hope of justice there is left for them, when you shall refuse or delay to give your own sovereign satisfaction: and, as his maj. hath already said, Till this be done he will intend no business whatsoever, other than that of Ireland.' And his majesty likewise expects, that in the way you have expressed in this your Answer, you will not put the Militia in execution, until you can shew him by what law you have authority to do the same without his consent; or if you do, he is confident that he shall find much more obedience, according to law, than you against law; and his maj. shall esteem all those that shall obey you therein, to be disturbers of the peace of the kingdom, and, in due time, call them legally to a strict account for the same. As for Ireland, his majesty refers you to his former Answer. And, lastly, concerning his Return, he never heard that the slandering of a king's government and his faithful servants, the refusing of him justice in a case of treason, and the seeking to take away his undoubted and legal authority, under the pretence of putting the kingdom into a posture of defence, were arguments to induce a king to come near or hearken to his parliament."

The lords and commons had another conference on the subject of the foregoing Letter and the king's Answer; the result of which, as to the former, was, that both houses resolved to maintain their Commissioners at York, in those things they had done, and should further do, in obedience to their commands, for preserving the peace of the kingdom.

Sir Geo. Strode and Mr. Spencer were brought to the lords bar, where the Impeachment of the Commons were read to them; but both these accusations are wanting in the Journals. The loss of which is the less to be regretted since they most probably differed little from those already given against sir Edward Dering.

May 13. Both houses joined in a Resolution to declare, "That any person whatsoever who shall arrest or imprison the persons of those lords and gentlemen, or any of them, or any other Member of either House, that are, or shall be, employed in the service of both houses of parliament; or shall offer violence to them for doing of any thing in pursuance of their commands, or the Instructions of both houses given unto them, shall be held disturbers of the proceedings of parliament, and public enemies of the state; and that all persons are bound by the Protestation, to endeavour to bring them to condign punishment: That a letter of thanks be sent to the Committee at York, and a copy of these Votes with it."

May 14. A bill, intituled, 'An Act to restrain Peers, hereafter made, from sitting or voting in parliament', was read a third time in the lords, and passed; the earls of Monmouth, Bristol, and Dover, with the lords Mowbray, Howard of Charlton, and Capell, only, dissenting.

The King's Reasons against the Bill of Levies for Ireland.] May 16. The lord privy seal (the earl of Manchester) being this day appointed Speaker of the house of lords, in the absence of the lord keeper, delivered a Letter from the king, in which was a Message inclosed. The parliament had passed and sent to his majesty a bill, 'For levying 10,000 men for the Service of Ireland;' to which he returned this Answer:

"His majesty hath ever shewed himself so ready to do any thing that might conduce to the suppression of the barbarous Rebellion in Ireland, that he doubts not but all the world is very well satisfied of his true zeal therein: therefore he doth not conceive why the parliament should desire a new way of levying men for that service; especially since his maj. hath been so far from refusing any Levies, that he

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hath offered, formerly, to levy 10,000 men, volunteers, in case the parliament would promise to pay them; which, at that time, if not refused, at least, was not accepted. Besides, you may well remember, that when his majesty declared to raise 2000 foot and 200 horse, for his own guard, upon his intention of going into Ireland, the Answer to that was, That it was too great an addition of charge to the country, they having already undertaken the pay of so many men; and therefore his maj. cannot but wonder, what means they can now find to pay 10,000 men, when, but a little while ago, they thought 2000 too much. But, seeing it is for so necessary a work, his maj. will not examine the reason of this sudden alteration of opinion, being glad that means will be so easily found for so great a supply, as this for 10,000 men will be; only he cannot give way that the manner of levying them should be altered: Therefore he offers to levy the above-named number, in the old accustomed way, under such commanders as his parliament shall have no cause to disapprove of; but he holds it very inconvenient to sign the bill sent unto him by way of an Instruction; not knowing the many inconveniences that, upon passing thereof, may happen. His majesty likewise takes notice, that above half those men, for which he hath already given commission, are yet unlevied, or, at least, not gone; so that if the parliament like of the old way of levying, which he can conceive no reason why they should eschew, he undertakes there shall be no time lost in these aforesaid levies. York, May 13, 1642."

After reading this Message the commons sent sir Wm. Lewis up to the lords with a Declaration, containing a recapitulation of all the Errors and Miscarriages in Government, from the dissolution of the last parliament; to which were added many letters, examinations, warrants, and depositions; all which they had voted to be printed, and also published in all parish churches. Sir W. Lewis was directed to desire their lordships concurrence therein, and to give them satisfaction, if desired, in these particulars: 1. "Whether the king hath ever given other denial to any public bill offered unto him by parliament, than by suspending his assent for a time? 2. Whether a Petition, brought up by the commons, and approved of by the lords, hath ever been refused by the king? 3. Whether any person hath ever been adjudged a traitor, for executing the king's verbal commands, against the laws of the land?"

The Form of the King's Oath, &c. ordered to be considered.] This day the commons appointed a committee, consisting of Mr. Selden, Mr. Glyn, sir S. D' Ewes, Mr. Whitlock, Mr. Bridgeman, and others, to consider of the Form of the King's Oath, as it is upon record, and in books of good authority, and of the statute of 25 Edw. 3. concerning the same; next, to consider, whether kings, in refusing bills, in former times, gave any other Answer than 'Le Roy s'avisera;' and to consider what persons have been proceeded against for high treason, notwithstanding they had the king's command; and to search precedents, what parliaments have done, heretofore, in like case of the king's absence from parliament; and the parliament's putting forces in places of strength, to preserve them for the king and parliament.

The Yorkshire Committee's Account of the King's Propositions to the Gentry, &c. of that County.] May 16, p. m. The lord privy seal, still sitting as Speaker, in the absence of the lord keeper, acquainted the house, That a Letter was come from York, directed to the lord keeper, or to the Speaker of the house of lords for the time being, which was commanded to be read. This Letter is omitted in the Journals, and it is only said, that divers Papers were read: and, indeed, there are many similar omissions in them, about this time; which are now supplied from the Collectors, or Pamphlets, of those days. The Letter and Papers, mentioned above, came from the Committee at York; and were sent, alike, to the Speakers of each house. That to the commons was as follows:

"Sir; In our last Letter we gave you an Account of our first and second waiting on the king. We wrote to you then, that his maj. commanded us to attend him yesterday, being Thursday, to hear what he said to the gentlemen; which, a little before the meeting, he seconded by a particular Message. Being come thither, his maj. caused the several Messages between him and the parliament, mentioned in this inclosed Paper, to be read. This was done with much humming and applause of the king's Messages, by some persons who had placed themselves near about where his maj. stood: but when any thing from the parliament came to be read, with so much hissing and reviling of the parliament, that though, in respect and duty to the king's person we could not resent it as otherwise we should have done; yet we have since expostulated, and complained of it to his majesty. Some were so bold as to say openly, 'That the parliament-men should set their houses in order, for many of them should shortly have their heads off;' one of which (as since we are credibly informed) was one Hurst, a servant to Mr. Wm. Crofts.—In this, which was said by the king, you will see what reason we had to vindicate ourselves; and therefore we immediately repaired to the dean's house, with all the other gentlemen, and there we took notice of the rough usage we had received: we told them, That it was neither indiscretion nor disobedience in us, (as his majesty was pleased to call it) to deliver the parliament's Message, or to stay here, though commanded to the contrary, since we conceived no man needed to be satisfied in so clear a case as this, That every member of each house ought to obey their commands, when they were pleased to employ them: but since his maj. thought fit to bid

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them take heed of us, not knowing what doctrine of disobedience we might preach to them. under colour of obeying the parliament, we appealed to every man, Whether we had, in word or deed, in public or in private, done any thing that became not honest men, and persons employed from the parliament: That we had communicated our Instructions to his majesty, being that whereby we would avow all our actions, and that we were confident it would not be said we had transgressed them. This was very well taken and justified by the country.—Yesterday there came divers thousands of Freeholders to this City, though none but the gentry were summoned; but receiving a command from the king not to come to court, they forebore, and stayed in the Castle-Yard; yet sent this Petition inclosed to his majesty, and received the Answer annexed thereunto. There was likewise a committee of 12 gentlemen appointed, yesternight, to consider of drawing up an Answer to the King's Proposition concerning a Guard: but nothing could be then done, because it was past 3 o'clock before the gentlemen were admitted to the king. This morning the Freeholders assembled again in the Castle-Yard; there they made this Protestation inclosed, of their Right of Voting in what concerneth the peace of the country, as having their interest therein.—When we all met this morning again at the dean's house, we, who are your committees, received this message by sir Edw. Stanhope, 'That he came from his majesty to command us, that we should depart from this meeting; and if we did stay, his maj. would judge us guilty of what he spake of yesterday, which was, Tampering.' Notwithstanding which command, we read the 4th Article of our Instructions to the whole company, that being pertinent to the business we were then upon; and desired them to consider, whether the parliament had not expressed therein such a care of the king's safety, that there would be little need of Guards. We told them, That we had a good right of being there as Freeholders of the county, but that in obedience to the king we would depart for this time; yet whensoever there should be occasion of our being there, in pursuance of our Instructions from the parliament, we should be ready. The whole company received great satisfaction, and desired a copy of that Instruction, which we gave them.—We were the more willing, at that time, to go from thence, because we should not only give obedience to the king's command, which otherwise he would have said we constantly disobeyed; but because the committee of 12 appointed yesternight, were then to withdraw; so that there was nothing for the present for us to do: we immediately went to the king, and besought him, That since we were continually so discountenanced by him, in the face of our county, he would be pleased to let us know in particular wherein we had given the occasion; for we otherwise conceived we were deprived of that liberty, which was our due in respect of that interest we had here. His majesty was pleased to tell us, 'That if we would lay aside that condition of committees from the parliament, he would not hinder us to be there as gentlemen of the county.' We humbly replied, 'That we could not lay that down, nor could we be absent from any meeting, where our presence was required for the service, as committees from the parliament.' To which his majesty said, 'That indeed he thought we could not lay it down, neither was it reasonable that we should have Votes, and be in a double capacity.' The committee hath been together most part of this day; but not agreeing, six of them have drawn up this Answer inclosed, which they have communicated to the gentlemen and freeholders; the greater part of the gentlemen, and all the Freeholders, have agreed to, and subscribed it. The other six have concluded upon this other Answer, consenting to a Guard of Horse; but to this we do not hear they have gotten many names, nor can we get a copy of those names as yet, though these be very few; yet whether they can bring in any horse or no, we cannot yet judge. The king hath received both these Resolutions, which, with his Answers to them, you likewise have here inclosed: And first

His MAJESTY'S SPEECH.

"Gentlemen; I have cause of adding, not altering, what I meant to say. When I gave out the summons for this day's appearance, I little thought of these Messengers, or of such a message as they brought; the which, because it confirms me in what I intend to speak, and that I desire you should be truly informed of all passages between Me and the Parliament, you shall here read, first, my Answer to the Declaration of both houses concerning Hull, the Answer of the Parliament to my two Messages concerning Hull, together with my Reply to the same; and my Message to both houses, declaring the Reasons why I refused to pass the bill concerning the Militia." All which being read his Majesty proceeded: "I will make no paraphrases upon what ye have heard, it more befitting a lawyer than a king, only this observation, That since Treason is countenanced so near me, it is time to look to my safety: I avow that it was part of my wonder, That men (whom I thought, heretofore, discreet and moderate) should have undertaken this employment; and that since they came, I having delivered them the Answer you have heard, and commanded them to return personally with it to the parliament, they should have flatly disobeyed Me, upon pretence of the Parliament's Command. My end in telling you this, is to warn you of them; for since these men have brought me such a Message, and disobeyed so lawful a command, I will not say what their intent of staying here is; only I bid you take heed, not knowing what doctrine of disobedience they may preach to you under colour of obeying the parlianent. Hitherto I have found and kept you quiet, the enjoying of which was a chief cause of my coming hither.

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Tumults and disorders made me leave the South, and not to make this the seat of a war, as malice would (but I hope in vain) make you believe: now, if disturbances do come, I know whom I have reason to suspect.—To be short; you see that my Magazine is going to be taken away from me (being my own proper goods) directly against my will: the Ordinance for the Militia (against law and my consent) is going to be put in execution: and, lastly, sir J. Hotham's Treason is countenanced: all this considered, none can blame me to apprehend dangers; therefore I have thought fit (upon these real grounds) to tell you, That I am resolved to have a Guard (the parliament having had one all this while upon imaginary jealousies) only to secure my person; in which I desire your concurrence and assistance; and that I may be able to protect you, the laws, and the true Protestant profession, from any affront or injury that may be offered; which I mean to maintain myself, without charge to the country; intending no longer to keep them on foot, than I shall be secured of my just apprehensions, by having satisfaction in the particulars before-mentioned."

The ANSWER of several of the Yorkshire GENTRY, to the KING'S PROPOSITION for a Guard.

"To the King's most excellent Majesty. We knights and gentlemen, whose names are subscribed, do unanimously present this our Answer to your majesty's Proposition concerning the raising of a Guard of horse, for the security and defence of your sacred person: That to this Proposition, as we conceive ourselves bound by our allegiance, we do willingly concur. For that purpose humbly desiring, That the aforesaid Guard may be raised by legal authority; and likewise that it may consist of Persons unquestionable in their religion, and gentlemen."

The Substance of his Majesty's REPLY, sent by Mr. Secretary NICHOLAS:

"His majesty gave them thanks, for it appeared as a satisfactory Answer; and in it they had shewed great circumspection and wisdom, by chusing such whose loyalty could not be questioned, by excluding recusants and all suspected to be disaffected."

The ANSWER of those GENTLEMEN and FREEHOLDERS, who subscribed the same at the Dean's house where the Sheriff was:

"May it please your most sacred majesty; The Propositions, delivered to us yesterday from your majesty, are of so high concernment to the weal and peace of the whole kingdom, and do so nearly touch upon the affection and fidelity of all your subjects in general, as we, being but a part of one county only, do not conceive it is safe for us to advise therein; but rather humbly to beseech your maj. to impart the Grounds of your majesty's Fears and Jealousies to your high court of parliament, of whose most loyal care and affection to your majesty's honour and safety, and the prosperity of your subjects and dominions, we are most confident; and whatsoever shall be advised by your great council therein we shall most willingly embrace, and give our concurrence and assistance to it as shall become us in whose fidelity and affection your majesty hath often declared especial trust; and albeit we do not presume to advise your maj. in that particular, being of transcendent consequence; nevertheless, in the behalf of those members of parliament lately employed to attend your maj. from both houses, being all of them gentlemen of quality and estate in this county, and trusted to serve in that most hon. assembly, we humbly crave your majesty's leave to express our confidence in their unstained loyalty and affection to your maj. to be such, as your maj. may securely admit their attendance to negotiate their employments, 'till they be recalled by the parliament: and for their fidelity, we all engage ourselves to your majesty; and we are most assured that your royal person shall be secure in the general fidelity of your subjects of this county, without any extraordinary Guard."

The NAMES of those GENTLEMEN who were taken by the SHERIFF.

Sir Thomas Fairfax	Cuthbert Creike
Sir Wm. Constable	William Cobb
Sir Matt. Boynton	Doyley Gower
Sir Thomas Gower	Thomas Rookebie
Sir Wm. St. Quintin	John Calverley
Sir Edward Rhodes	Francis Grimston
Sir William Crayley	John Anlabie
Sir Thomas Norcliffe	Arthur Beckwith
Sir Arthur Ingram	Christopher Waters
Sir Richard Darley	Matthew Beckwith
Sir Jervas Cutler	Christopher Copley
Sir William Fairfax	Thomas Croft
Sir Hugh Bethell	William Parker
Sir John Saville	George Trotter
Sir William Lyster	Henry Westby
Sir Tho. Remington	William Jennings
Thomas Jopson	Thomas Bradford
Henry St. Quintin	Richard Wildbore
Arthur Noell	Job Hackwood
Tobias Jenkins	Matthew Allured
Henry Jenkins	Robert Sheppard
John Farrer	John Acklam
John West	John Stillington
Henry Atkinson	Jervas Hammond
Henry Wythes	John Cholmley
William Bethell	Thomas Newarke
George Mountaine	Henry Savile
Thomas Stockdale	John Lambert
William Gower	Francis Grimston
Richard Trewman	Stephen St. Quintin
Sackvill Pope	Willoughby Godfrey
Thomas Heblethwaite	Lancelot Allured
George Eure	John Beverley
George Marwood	Griffith Boynton
John Savile of Medly	George Westby
John Saltmarshe	Benjamin Browne
William Copley	Charles Fairfax
Lionel Copley	Henry Arthington
Edward Gower	Henry Tempest.

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"These were the Names subscribed in one sheet, there being many other sheets filed together, all of them subscribed, and amongst them many gentlemen of note; but we took notes only of the first sheet, having no more time.

His Majesty's ANSWER returned by the Sheriff.

"His majesty expects the like affection from you that he doth from the other gentlemen, and he hath the same confidence in you that he hath in the others."

To the King's Most Excellent Majesty; The Humble PETITION of many Thousands of your Majesty's peaceably-affected SUBJECTS of the County of YORK.

"Sheweth; That many of your Petitioners being, in their late desires of petitioning your majesty, denied access, kept back with violence, and receiving great affronts from some that have dependency on your majesty, and others there assembled; yet no provocation could remove them from their patience and duty. These proceedings are taken more to heart, your petitioners conceiving it undeniable that they have an interest in the commonwealth, and are as dutiful and loyal subjects to your maj. as any whomsoever; though divers of them have been since uncivilly pressed by some, in your majesty's name, to subscribe a Paper, stiled, 'The Answer to your Majesty's Propositions,' and threatened thereto (upon which blows followed); and that, when your majesty's army should be on foot, those should be first pillaged that refused such subscription; which we humbly conceive is positively contrary to your majesty's own expressions, and is to the high dishonour of your majesty, and the great affrightment and disturbance of your majesty's liege people.—Therefore your petitioners, having too just cause to fear your majesty's royal heart is still in danger to be possessed with some distaste of your petitioners, humbly supplicate your maj. to conceive better things of them, and to cast your eye upon the present state of this your kingdom; that, as your maj. hath often declared your affection to this county, so your love might now be expressed in preserving the peace thereof; and that your maj. would admit of a right information of the clear intentions of your petitioners, who are confident that no so absolute and hearty observance to your majesty's just commands can be demonstrated, as what your maj. in parliament shall declare; which if it be divided, (as God forbid) our hearts even tremble to consider the diminution of the honour and safety of your majesty's posterity, and the dangers the kingdom will unavoidably be put upon; since it is clear to every understanding, that it is not a divided part of one, or several counties, that can afford that honour and safety to your maj. as the whole kingdom, which you may command; no ground or fear of danger remaining, if a good confidence were begot betwixt your maj. and the parliament, whose grave and loyal counsels are, as we humbly conceive, the visible way, under God, to put a speedy end to the troubles of Ireland, and establish your throne in righteousness. And, lastly, your petitioners do humbly supplicate, that we may represent our unfitness to become judges betwixt your majesty and the parliament in any thing, or dispute the authority of either, which they humbly conceive do fortify each other; it being most unfit for them to act any thing therein but by their prayers for a right understanding between your maj. and them, which we shall heartily do, as also for your majesty's long and prosperous reign; and, as we are bound by our late Protestation, shall be ready to maintain your majesty's just Rights, the Privileges and Power of Parliament, and the lawful Liberties of the Subject."

The KING'S ANSWER to the foregoing PETITION of the County, by Mr. Secretary Nicholas.

"His majesty having with some care considered this Petition, being the first of this nature that hath been presented to him, wherein any appearing well affected to his service (though he hath heard of many to the contrary) have misdemeaned themselves, hath commanded me to give you this Answer: That he doth, totally, disavow the proceedings complained of in the Petition; and expects that you, and all others his loyal subjects, shall rest satisfied with his several gracious Declarations, and constant peaceable practice towards his people; and for further assurance, upon just proof made against any man who hath committed any violence in words or actions, without just provocation, full reparation shall be given to the parties injured.—As for the other part of this Petition, his majesty saith, That it is so confused he does not well know what positive Answer to give to it; and the rather because it is grounded upon misinformation both of his majesty's proceedings and intentions; as, in particular, his maj. saith, He never intended to have you to be judges betwixt him and his parliament. For the rest of this Petition he refers to his Messages, Declarations, and Answers; whereby it will clearly appear, That his desire and intention is, only, the preserving of the true Protestant profession, the laws of the land, the liberty of his people, the peace of the kingdom in general, and the peace of this county in particular."

The PROTESTATION of the FREEHOLDERS of Yorkshire.

"Whereas his majesty was pleased to give summons to the gentry of this county to attend him at his court at York, the 12th of May instant, to advise with him in some particulars, concerning the honour and safety of his majesty's person, and the well-being and peace of this our county; and in the said summons was pleased to omit the freeholders of this county, out of a tender respect of putting them to any extraordinary charge; yet we, conscious of our sincere loyalty to his maj. our gracious sove-

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reign, and conceiving ourselves, according to the proportions of our estates, equally interested in the common good of the county, did take the boldness to come in person to York, and were ready to attend his majesty's pleasure there: And whereas his majesty being pleased then to propound several things to the purpose aforesaid, at the meeting of the county, to consider a fit Answer to return to his majesty thereupon, the doors of the meeting-house were shut against us, and we utterly excluded; and, in our absence, a referree of knights and gentlemen chosen, without our knowledge or consent, to draw up the said Answer: we the freeholders who petitioned his majesty the day abovesaid, conceiving ourselves abundantly injured in the election of the said referree, not knowing any warrant, by writ, or otherwise, for the same; and that we ought not, however, to be concluded by any resolution of theirs without our assent in their election, do, absolutely, protest and declare against the said election; and, as far as concerns us, disavow whatsoever shall be the result of their consultation thereupon; and do desire a new and fair election of a referree may be made, we admitted to our free votes in the same, and some one or more, to be nominated by us, allowed to deliver our sense for us at another meeting: and that we shall not make good, in the least respect, any thing whatsoever which shall otherwise be concluded upon."

"Sir, his majesty had declared himself yesterday, that he would raise that regiment which was sir Rob. Strickland's, for his footguard; but he hath now laid aside that resolution. The freeholders of the county are now newly summoned to attend his majesty about a week hence, the three Ridings upon three several days: but for what service we know not. You have here a large Narrative of the Passages at this meeting. What dangers this poor country lies under, we humbly refer to you to judge, not taking upon us to deliver any opinion. The business lasted so long, that it hindered us from given a more speedy account. Sir, this is what, at this time, is sent from Your assured friends and servants, FER. FAIRFAX. HU. CHOLMLEY, PHIL. STAPYLTON, HEN. CHOLMLEY.—York, May 13. 1642."

May 17. A conference was held this day in relation to the foregoing affairs; the report of which was, "That the commons desired to keep a good correspondency between both houses, to prevent the mischiefs that were else likely to ensue. They, likewise, observed with what care, wisdom, and diligence, the committee do proceed; and desired that notice might be taken of it, and thanks returned to them and the high sheriff, also to those gentry and freeholders who, in all these proceedings, have expressed their affection and loyalty to the king and parliament, for their good service herein." Ordered, That the Letter and Papers from York should be forthwith printed and published in one book.*

The intended Removal of the Term to York voted illegal.] This day the lords were informed of a rumour, That a command was come for removing the next Term to York, which would be very prejudicial to the kingdom; therefore they sent the earl of Essex and lord Kimbolton to the lord keeper, to know if he had heard any thing of it. After some other business done, the two lords returned from the lord keeper, and said, "That his lordship confessed he had received a Letter from the king, the last night, importing the adjournment of the next Term to York, and to order a proclamation and writs out for that purpose: that he was to advise with the Judges concerning the manner of them; and, accordingly, he had acquainted them with it, but nobody else; though nothing, as yet, was done in it."—The lords, taking this matter into consideration, were of opinion, That it was illegal to remove the Term, in regard of the late act of parliament for the continuance of it: that it was contrary to the practice, and inconsistent with the sitting, of parliament, and to the express writs which call assistants to that house. Then the question was put, Whether the king's removing the Term to York, from Westminster, the parliament sitting, was not illegal? It passed in the affirmative. They further ordered, That the lord keeper should not issue out any writs, or seal any proclamation to that purpose. This Vote, &c. to be communicated to the commons, at a conference, and then to be forthwith printed and published.

Resolutions against the King's demanding the Attendance of any Subject.] At this conference the commons acquainted the lords with another letter from the king, directed to captain Philip Skippon, captain of the military garden, in St. Martin's in the Fields, London, commanding the said captain's immediate personal attendance on his majesty at York, on pain of his highest displeasure. On which the commons had passed the following Votes: Resolved, 1. "That for his majesty, at his pleasure, to command any free-born subject to attend his person, not bound thereunto by special service, is against the law of the land. 2. That this command of his majesty, to call captain Philip Skippon, serjeant-major-general of the forces of London, to attend his majesty's person at York, is against the law of the land and the liberty of the subject. 3. That his majesty's commanding captain P. Skippon, to attend his majesty's person, being employed by both houses to attend their service, without their consent, is against the privilege of parliament. 4. That captain P. Skippon shall continue to attend the service of both houses, according to their former commands."

An Order of the said house was also read, importing, That it be referred to the committee of lords and commons, appointed to con-

* This was done accordingly: and from the original edition thereof, printed by A. Norton, for John Frank, in Fleet-street, the foregoing Letter and Papers are copied.

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sider of his majesty's last Messages, to make a Remonstrance to him, and shew how much against law, and the liberty of the subject, commands of this nature are; to represent to him the interruption that they cause to the proceedings of parliament, and the affairs of Ireland, with the inconveniences that are like to ensue upon them; and to desire they may be forborne hereafter.

Declaration of both Houses against taking Arms by his Majesty's Command.] A Letter, directed to Edw. lord Howard and the Committee at York, was read, with a Declaration of Parliament; the Letter was to no other purpose, than thanking them for their good services, &c. and to order them to deliver the inclosed to the high sheriff, and press the execution of it there, as was intended to be done in the other counties of England. Which Instrument was in these words:

"The lords and commons in parliament do declare, That it is against the laws and liberties of the kingdom, that any of the subjects thereof should be commanded by the king to attend him at his pleasure, but such as are bound thereunto by special service: and that whosoever, upon pretence of his majesty's command, shall take arms, and gather together with others, in a warlike manner, to the terror of the king's people, shall be esteemed disturbers of the public peace; and to do that which may introduce a precedent of very dangerous consequence for the future, and may produce most mischievous effects for the present; considering the great distempers of the kingdom, and what pernicious counsellors and incendiaries are now about the king; and how desperate and ill-affected divers persons, attending upon his majesy, have shewed themselves to the parliament and to his other good subjects, threatening and reproaching them publickly, even in his majesty's presence. For preventing and avoiding such great mischiefs as may thereupon ensue, it is Ordered and Ordained by both houses of parliament, That if the Trained-Bands, or any other his majesty's subjects, shall, upon pretence of any such command, be drawn together and put into a posture of war, the sheriff of that county where there shall be such raising or drawing together of armed men, do forthwith raise the power of the county to suppress the same, and to keep his majesty's peace according to law. And that the lord lieutenants, deputy lieutenants, justices of the peace, and all other his majesty's subjects, be aiding and assisting to the several and respective sheriffs in performance hereof, as they will answer the contrary at their peril."

Farther Orders for the Security of Hull.] May 18. The lord admiral acquainted the lords, That he had received a Letter from Hull, from some captains, sent with their ships there, by order of parl. to bring away the Magazine, alledging, that they had received a command from the king, dated at York, the 10th of May, upon their allegiance, not to put on board any part of that Magazine, &c. they therefore desired their lordships to take some course for their indemnity in obeying the commands of this house.—Then the lord admiral's Letter and the king's Warrant for stoppage were read; and a conference being held upon it, some more hints were communicated by the commons, concerning the safety of Hull; as, That sir J. Hotham complained he wanted a committee, of reputation, to assist him: that he found the townsmen false: that he wanted mills to grind corn: and that the committee sent thither, some time since, were coming away. To remedy all which, the commons had prepared the Form of a Letter to be sent down to Hull, with an Order; also they had appointed another committee to go thither, and desired to know if their lordships would appoint any of their house for that purpose.—The lords agreed to this in every particular, and the lord Willoughby of Parham was named as a commissioner from that house.

The Speaker's Letter to Sir J. Hotham thereupon.] The Letter to sir J. Hotham, with the Order of parliament, was then read, as follows:

"Sir; Your letter of the 16th of May I received this morning, and forthwith communicated it to the house; who do very much approve your diligent and prudent carriage in discharge of the great trust reposed in you so much concerning the peace and safety of the whole kingdom; and thank you for the same. If the house had sooner known of the coming away of the committee, and of the great necessity that some such assistance should be there, they would sooner have provided to have had their absence forthwith supplied by others; for which purpose they have now resolved of seven more of this house to be added to the former committee, as you may perceive by the Order inclosed, whereof they intend that four shall always be resident with you there.—According to your desire, you receive an Order of both houses for the Encouragement and Indemnity of the captains and masters of the ships, of whose obedience thereunto we are assured, by their profession in their own letters to the lord admiral, That what both houses of parliament shall order, they shall, with their utmost endeavours perform, for his majesty's safety and the good of this state; of which, being an expression of so good affection to the service of the parliament, this house takes especial notice; and desires you to give them thanks in their name, as also to the mariners, of whose forwardness in this service they are also informed.—The house doth also require, That the Magazine, that is already shipped, may be sent with all convenient speed, with perfect inventories of what is in every ship; and what you have kept behind, to remain there, for the defence of the place, if there be occasion; two of the ships of war are designed for the convoy of the Magazine; the other two shall be appointed to attend in that harbour, for the better security of that town,

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till there shall be further order.—We understand the proceedings in Yorkshire; and, though there be some disaffected, yet there appears so great a part of the county to be well disposed to the peace of the kingdom, that it is hoped they will so over-awe the other party, as to keep them quiet. I send you inclosed a copy of the Order of both houses, which was yesterday sent to the committees at York, to be delivered to the sheriff; who hath carried himself so worthily and faithfully, that there is no doubt whatsoever of him. Mr. Hilliard's report is, That he will do his duty in obeying the authority and directions of parliament, for preserving this kingdom from the miseries and calamities of a civil war; which is earnestly endeavoured to be kindled by some evil counsellors about the king, who can find no way to escape the punishment of their own wickedness, but by the confusion of the whole state. —It is much wondered that there should be any in that town so blind, as not to discern the mischief intended to the common-wealth, if Hull had not, by the wisdom of the parliament, been secured from the Malignant Party; or so disaffected as not to concur in the furtherance of that which is necessary for the public good, wherein the safety of that town and their own interests are involved: but as their perverseness will make you more watchful, so your watchfulness will make them less hurtful; and it is hoped the proceedings in Yorkshire will every day more open their eyes to see the dangers and miseries like to overwhelm those parts, if honest, well-affected people do not join with the parliament to prevent the same.—The house means to send away two of the committee forthwith; and, when they have been more fully informed, by sir Christ. Wray, of those matters which you write they shall understand by him, it is resolved to send to you again. And I am commanded to tell you, that you may rest assured, as you have the authority of parliament, and the strength of the greatest and best part of the kingdom; so you shall have the prayers of all that truly affect the prosperity and peace of this church and state concurring with you, to which I add the good respect and best wishes of Your most ready friend and humble servant, W. LENTHALL."

The ORDER inclosed was as follows:

"Whereas the lords and commons in parliament thought fit and necessary, for the safety of the king and kingdom, That the Magazine of Arms and Ammunition, at Kingston upon Hull, should be removed from thence to the Tower of London, and did order the same accordingly; and have appointed several ships for the transporting and wafting thereof, which are ready at Hull, for that service: It is ordered, by both houses of parliament, That the said Magazine and Arms shall be forthwith removed, and brought away from Hull to the Tower of London; and the captains, lieutenants, masters and other officers and companies of the said ships are hereby required and enjoined, forthwith, to perform the same, notwithstanding any command to them directed to the contrary. And for the indemnity of captains Driver, Swanly, Moyers, and Piggot, and such other captains, lieutenants, masters, officers, mariners, and all other persons, which have done or shall do any thing according to the said Ordinance of both houses of parliament, or in execution thereof, touching the removing, shipping or transporting the said Magazine, or any part thereof from Hull, to the Tower of London as aforesaid: It is declared and ordered, by both houses of parliament, That they, and every of them, shall have the assistance of both the said houses against any inconveniency which may happen to them, or any of them, by or for obeying the said commands in this so necessary and important service."

Lord Savile's Letter upon refusing to attend the Parliament.] May 19. The earl of Holland acquainted the lords that he had received a Letter from the lord Savile, at York, which was read as followeth:—

"My Lord; Yesterday there came hither a mean base fellow, with an order, process, or warrant, for I know not what to call it, to attach divers of the peers and some others, and amongst the rest myself; for coming away without leave, as I imagine, for I know no other guilt that I can pretend to; though there was no cause, so much as in general, expressed in the warrant, according as, by the law of the land, and Petition of Right, is required. When he delivered me his warrant I was going with your brother Newport to Galtres Park, to take the air; and, at my return, found the messenger committed for some offence, which, it seems, they did lay to his charge; and the king, calling all the company about him, charged me, upon my allegiance, not to depart the town without his consent. I saw great joy in many to see me herein so used in the face of my country; to be arrested by such a fellow, for a crime so small, as for the safety of my life, after so long an attendance, to go to my own house; and at a time when all cursed me for the good offices I did contrary to their designs; as I shall report to your commissioners here, who know much of my ways. So, my lord, I am, as you imagine, in a great distraction; but of this I am certain that no private spleen shall debar me from doing my poor endeavours for the public, so far as it is now fit for me to appear. I pray God that things be not so carried as suddenly to endanger the peace of us all. My lord, I am, &c.

York, May 14, 1642. "SAVILE."

Another Letter from the Committee at York, relating to the King's raising a Guard.] Next was read a Letter from the lord Howard, one of the Committee at York, to the lord keeper, containing a further account of the king's proceedings in that city, which was in these words:

"My lord; Yesternight, somewhat late, there came to our hand this printed Paper enclosed:

'By the King: C. R. Whereas, upon sun-

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mons from us, divers gentlemen of this our county of York did attend us on Thursday the 12th day of this instant May, when we declared our Resolution, for the reason then delivered by us, to have a Guard to secure and defend our person; and desired therein the concurrence and assistance of the gentry of this county: and whereas divers gentlemen of this county, for many reasons and occasions, could not then appear to receive our pleasure on that behalf, whereunto divers have subscribed: we have therefore thought good hereby to give notice, as well to those gentlemen who were not then present, as to those who did then attend us, that our command is, That as well those gentlemen who are charged with horse, as others, appear at York upon Friday the 12th day of this month, in such manner and equipage as will be convenient for the Guard of our person: and we require and command, That, in the interim, no other warrant, order, or command whatsoever, shall distract or hinder this our service: and we further will and command, That this our Order be forthwith published by the sheriff of this our county, for which this shall be his sufficient warrant. Given at our Court at York, May 14, 1642.'

"My lord; We conceiving the above Paper to be illegal, waited on the king in the morning, telling him, 'We thought it our duty to represent to his majesty, of what dangerous consequence it was to command the whole county to bring in their horse, which would be occasion of great jealousies, and might breed great distractions.' His majesty's Answer was, 'That howsoever it was expressed, yet he never intended to have any come in but voluntarily.' We replied, 'That this bore another sense, and that it would be our duty to give notice of it to the parliament.' When we were gone, the marquis of Hertford, the lord Savile, and lord chief justice Bankes, repaired to the king, and soon after brought us the following Paper in Answer to what we had said to his majesty; with a command to write up the substance of it to your lordship: but thinking it not fit to take upon us to write his majesty's sense, lest we should be mistaken, I have here sent you the very Paper itself, as we had it from the lords before-mentioned.

'My Lord; We waited, this day, upon his majesty, concerning a printed Summons published the 14th of this instant May, humbly to know his majesty's meaning therein; at which time he was graciously pleased to signify his intention unto us, That his meaning was, thereby, to accept of the voluntary offers of those gentlemen, who had, or should, tender their services unto him for the Guard of his person: and, out of that number that should appear before him, at the time prefixed, he would chuse such a competent number as might serve for the safeguard of his royal person; likewise telling us, That he had declared to those gentlemen, who did attend him at the last meeting, that he no ways intended hereby to increase the number of the Trained Bands.

"My lord, these lords do, every one of them, protest, That they never knew any thing of this printed Paper till we shewed it to them. I acquainted your lordship, in my last letter, That his majesty had laid aside the resolution of raising that regiment which was sir Robert Strickland's; but, this afternoon, we understand it is to meet to-morrow by warrants from his majesty; a copy of one of them I send your lordship here inclosed; as also a Letter from his majesty to the gentry of Yorkshire.

The WARRANT: To the Constables of Newton and Benningborough.

'By virtue of a Warrant from his majesty, to me directed, his will and command is to give order to all the several petty constables, within this division or hundred, to cause all the Trained bands and Soldiers of sir Rob. Strickland's regiment, with their officers and arms, to meet at Sutton in the Forest, on Tuesday next, the 17th of this instant May, by 8 in the morning; where they shall receive further commands and directions by the colonel or serjeant-major of the said regiment. Fail not at your peril.'—T. GROSVENOR. May 15, 1642.'

The KING's LETTER.

'To our trusty and well-beloved the gentry of Yorkshire, and others of this our county of York, whom it doth or may concern; We have, with great contentment, considered your dutiful and affectionate Answer to our Proposition concerning the unsufferable affront which we received at Hull. We have not been deceived in that confidence we had in your affection, wherefore we desire you to assure the rest of your countrymen, who, through negligence, were omitted to be summoned, that we shall never abuse your love, by any power wherewith God shall enable us, to the least violation of the least of your liberties, or the diminution of those immunities, which we have granted you this parliament; (though they be beyond the acts of most, if not of all, our predecessors) being resolved, with a constant and firm resolution, to have the law of this land duly observed; and shall endeavour only so to preserve our just royal rights, as may enable us to protect our kingdom and people, according to the antient honours of the kings of England, and according to the trust which, by the law of God and this land, is put into the crown; being sufficiently warned, by the late affront at Hull, not to transfer the same out of our power; concerning which affront we will take sometime to advise which way we may usefully imploy your affections: in the mean time we shall take it well from all such as shall personally attend us, so followed and provided as they shall think fit, for the better safety of our person; because we know not what sudden violence or affront may be offered unto us, having lately received such an actual testimony of rebellious intentions from sir J. Hotham at Hull. Being thus secured by your affections and assistance, we promise you our protection against any contrary power whatsoever; and that you

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shall not be molested for your humble and modest Petition, as of late you have been threatened. Given at our Court at York, May 16, 1642.'

" My lord, I know not what the success of this will be, or what the sheriff will do upon it, he is newly gone out of town. My lord, this is, at this time, what I am to acquaint you with, who am, &c.

York, May 16, 1642. " EDW. HOWARD."

Lord Savile voted guilty of a Contempt, &c.] May 19. p. m. The lords took into consideration the lord Savile's Letter; and, after debate, came to the following Resolutions: 1. " That the lord Savile's going from parliament, and refusing to come when this house sent for him, is a great contempt, and a high breach of the privileges of parliament. 2. That when the high court of parliament sends for a delinquent to appear before them, the king's laying his commands upon him not to appear, tends to the overthrow of the power of parliament and justice of the kingdom. 3. That the lord Savile for his high contempt, in refusing to come when the house sent for him, shall not sit nor vote in this house during this session of parliament."

Ordered, That a writ of Habeas Corpus shall be sent down to the sheriff, to bring up to this house the Messenger imprisoned at York. Also, to have a conference with the commons on this affair, and this high Breach of the Privilege of Parliament; and to consider of a course, how to bring delinquents to deserved punishment, in such a manner as may best agree with public justice, and best preserve the peace of the kingdom.

The Parliament resolves, that the King intends to make War against them, &c.] May 20. The lords took into consideration the present Dangers and Distractions of the Kingdom; and appointed a committee of 8 peers to peruse all the Messages and Declarations which had come from the king, to collect together all the material expressions therein that concerned the parliament, and to report them to the house. This committee, immediately, withdrew; and, very soon after, the lord Kimbolton brought in the following Resolutions, which were afterwards agreed to by both houses; and, with a Petition to the king annexed, were ordered to be printed and published. Resolved, upon the question " That it appears that the king, seduced by wicked counsel, intends to make war against the parliament; who, in all their consultations and actions, have proposed no other end unto themselves, but the care of his kingdoms, and the performance of all duty and loyalty to his person. 2. That whensoever the king maketh war upon the parliament, it is a breach of the trust reposed in him by his people, contrary to his oath, and tending to the dissolution of this government. 3. That whosoever shall serve, or assist him in such wars, are traitors by the fundamental laws of this kingdom; and have been so adjudged by two acts of parliament; and ought to suffer as traitors."

The Parliament's Petition sent to the King with the Resolutions.] The Petition sent to the king, with the above Resolutions, was as follows:

" To the King's Most Excellent Majesty; The Humble PETITION of the LORDS and COMMONS assembled in Parliament.

" Your majesty's loyal subjects, the lords and commons in this parliament, do humbly represent unto your majesty, That notwithstanding your frequent professions to your parliament and the kingdom, and the late expression in your Answer of the 13th of May, to the Petition of the county of York, ' That your desire and intention is only the preserving of the true Protestant profession, the Laws of the land, the liberty of your People, and the peace of the kingdom;' nevertheless, with great grief, we perceive, by your Speech of the 12th of May, and the Paper printed in your majesty's name, in the form of a Proclamation, bearing date the 14th of May, and other evidences, that, under colour of raising a Guard to secure your person, (of which guard, considering the fidelity and care of your parliament, there can be no use) your majesty doth command troops, both of horse and foot, to assemble at York; the very beginnings whereof were apprehended by the inhabitants of that county to be an affrightment and disturbance of your majesty's liege people, as appears by their Petition presented to your majesty; the continuing and increase of which forces is, and must needs be, a just cause of great jealousy and danger to your parliament, and to your whole kingdom. Therefore we do humbly beseech your maj. to disband all such forces, as, by your command, are assembled; and relying for your security, as your predecessors have done, upon the law, and the affections of your people, you will be pleased to desist from any further designs of this nature, contenting yourself with your usual and ordinary Guards; otherwise we shall hold ourselves bound in duty towards God, the trust reposed in us by the people, and the fundamental laws and constitutions of this kingdom, to employ our care and utmost power to secure the parliament, and to preserve the peace and quiet of the kingdom."

Lord Herbert censured for objecting to the Resolutions.] In the debate on the second of the above Votes, the lord Herbert of Cherbury, speaking these words, ' I should agree to it, if I could be satisfied that the king would make War upon the Parliament without cause,' he was commanded to withdraw; but, because it was then late, his lordship was committed to the gentleman-usher, for the present, until the house took this busines into further consideration. The next day the lord Herbert presented a Petition to the lords, declaring his sorrow for letting fall certain Words in the midst of a period, which had given offence; and therefore desired their lordships benign interpretation of them. This Petition satisfied the house, and he was released upon it. His lordship

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then moved the house, That he might have leave to go into the country for his health; and, if he could not find it there, to go beyond sea for it, to France, to the Spa, or elsewhere; which was granted: but he went directly to the king at York, as will appear in the sequel.

The King's Answer to the Parliament's last Declaration relating to the Militia.] The lords being informed, That a book, intitled, 'An Answer, by way of Declaration, to a Printed Paper, intitled, a Declaration of both houses of parliament, in Answer to his majesty's last Message concerning the Militia,' was put out in the king's name, which the house conceived to have many expressions in it, laying imputations on the parliament: It was ordered, That the printer * should be sent for, and to bring his warrant or authority with him for printing that book. The said Answer was as follows:

"We very well understand how much it is below the high and royal dignity wherein God hath placed us, to take notice of, much more to trouble ourself with answering, those many scandalous and seditious Pamphlets and printed Papers, which are scattered with such great licence throughout the kingdom, notwithstanding our earnest desire, so often in vain pressed, for a reformation; though we find it evident, That the minds of many of our weak subjects, have been, and still are, poisoned by those means; and that so general a terror hath possessed the minds and hearts of all men, that while the presses swarm, and every day produceth new Tracts against the established government of the church and state, most men want the courage or conscience to write, or the opportunity and encouragement to publish, such composed sober animadversions, as might either preserve the minds of our good subjects from such infection, or restore and recover them when they are so infected; but we are contented to let ourself fall to any office that may undeceive our people, and to take more pains this way by our own pen, that ever king hath done, when we find any thing that seems to carry the reputation and authority of either, or both houses of parliament: and will not have the same refuted or disputed by common and vulgar pens, till we are thoroughly informed whether those acts, have, in truth, that countenance and warrant they pretend. Which regard of ours we doubt not but, in time, will recover that due reverence (the absence whereof we have too much reason to complain of) to our person and our Messages, which in all ages hath been paid (and no doubt is due) to the crown of England.—We have therefore taken notice of a printed Paper, intitled, 'A Declaration of both Houses of Parliament, in Answer to our last Message concerning the Militia, published by Command:' the which we are unwilling to believe (both for the matter of it, the expressions in it, and the manner of publishing it) can result from the consent of both houses: neither do we know by what lawful command such uncomely and irreverent mention of us can be published to the world. And though Declarations of this kind have of late, with too much boldness, broken in upon us and the whole kingdom, when one, or both houses have thought fit to communicate their counsels and resolutions to the people; yet we are unwilling to believe, that such a Declaration as this should be published in Answer to our Message, without vouchsafing at least to send it to us as their Answer: Their business, for which they are met by our writ and authority, being to counsel us for the good of our people, not to write against us to our people; no consent of ours, for their long continuing together, enabling them to do any thing, but what they were first summoned by our writ to do. At least we will believe, though Misunderstanding and Jealousy (the Justice of God will overtake the Fomenters of that Jealousy, and the Promoters and Contrivers of that Misunderstanding) might produce (to say no worse) those very untoward expressions; yet if those houses had contrived that Declaration as an Answer to our Message, they would have vouchsafed some Answer to the Question proposed in ours, which we professed did and must evidently prevail over our understanding; and, in their wisdom and gravity, they would have been sure to have stated the matters of fact, as (at least to ordniary understandings) might be unquestionable: neither of which is done by that Declaration.—We desired to know why we were, by that act, absolutely excluded from any power or authority in the execution of the Militia; and we must appeal to all the world, Whether such an attempt be not a greater and juster ground for Fear and Jealousy in us, than any one that is avowed for those destructive Fears and Jealousies, which are so publicly owned, almost to the ruin of the kingdom. But we have been told, 'That we must not be jealous of our Great Council of both houses of parliament.' We are not, no more than they are of us, their king; and hitherto they have not avowed any jealousy of, or disaffection to, our person; but imputed all to our evil Counsellors, to a Malignant Party that are not of their minds: so we do (and we do it from our soul) profess no Jealousy of our parliament; but of some turbulent, seditious, and ambitious natures; which, being not so clearly discerned, may have an influence even upon the actions of both houses: and if this Declaration hath passed by such consent, (which we are not willing to believe) it is not impossible but that the apprehension of such tumults, which have driven us from our city of London, for the safety of our person, may make such an impression in other men, not able to remove from the danger, to make them consent, or not to own a dissent, in matters not agreeable to their conscience or

* Robert Barker, the king's printer, who attended accordingly, and produced the secretary of states warrant as his voucher.

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understanding.—We mentioned, in that our Answer, our dislike of the putting of their names out of the bill whom before they recommended to us in their pretended Ordinance, and the leaving out, by special provision, the present lord mayor of London, to all which the Declaration affords no Answer; and therefore we cannot suppose it was intended for an Answer to that our Message, which whosoever looks upon, will find to be in no degree answered by that Declaration.—But it informs all our subjects, after the mention with what humility the Ordinance was prepared and presented to us, (a matter very evident in the Petitions and Messages concerning it) and our refusal to give our consent, notwithstanding the several reasons offered of the necessity thereof, for the securing of our person, and the peace and safety of our people, (whether any such reasons were given, the weight of them, and whether they were not clearly and candidly answered by us, the world will easily judge) 'That they were at last necessitated to make an Ordinance by authority of both houses, to settle the Militia, warranted thereunto by the Fundamental Laws of the Land:' but if that Declaration had indeed intended to have answered us, it would have told our good subjects what those Fundamental Laws of the Land are, and where to be found; and would at least have mentioned one Ordinance, from the first beginning of parliaments to this present parliament, which endeavoured to impose any thing upon the subject without the king's consent; for of such all the inquiry we can make, could never produce us one instance. And if there be such a secret of the law, which hath lain hid from the beginning of the world to this time, and now is discovered to take away the just legal Power of the King, we wish there be not some other secret (to be discovered when they please) for the ruin and destruction of the Liberty of the subject; for, no doubt, if the Votes of both houses have any such authority to make a new law, it hath the same authority to repeal the old; and then what will become of the long established rights and liberties of the king and subject, and particularly of Magna Charta, will be easily discerned by the most ordinary understandings. —It is true we did (out of our tenderness to the constitution of the kingdom, and care of the law, which we are bound to defend, and being most assured of the unjustifiableness of the pretended Ordinance) invite and desire both our houses of parliament to settle whatsoever should be fit of that nature, by Act of Parliament: but were we therefore obliged to pass whatsoever should be brought to us of that kind? We did say in our Answer to the Petition of both houses, presented to us at York the 26th of March last, (and we have said the same in other Messages before) 'That we always thought it necessary the business of the Militia should be settled, and that we never denied the thing, only denied the way;' and we say the same still, since the many disputes and votes upon lords lieutenants, and their commissions (which were begun by us, or our father) had so discountenanced that authority, which for many years together was happily looked upon with reverence and obedience by the people; we did, and do, think it very necessary that some wholesome law be provided for that business; but we declared, in our Answer to the pretended Ordinance, we expected that that necessary power should be first invested in us, before we consented to transfer it to other men: neither could it ever be imagined, that we would consent that a greater power should be in the hands of a subject, than we were thought worthy to be trusted with ourself; and if it shall not be thought fit to make a new Act, or Declaration, in this point, we doubt not but we shall be able to grant such commissions, which shall, very legally, enable those we trust, to do all offices for the peace and quiet of the kingdom, if any disturbance shall happen.—But that Declaration saith, 'We were pleased to offer them a Bill ready drawn, and that they (to express their earnest zeal to correspond with our desire) did pass that Bill; yet all that expression of affection and loyalty, all that earnest desire of theirs to comply with us, produced no better effect than an absolute denial even of what, by our former Messages, (as that Declaration conceives) we had promised;' and so proceeds (under the pretence of mentioning evil and wicked Counsels) to censure and reproach us in a dialect, that we are confident our good subjects will read with much indignation on our behalf. But sure, if that Declaration had passed the examination of both houses of parliament, they would never have affirmed, 'That the Bill we refused to pass was the same we sent to them; or have thought that our Message,' wherein the difference and contrariety between the two Bills is so particularly set down, would be answered with the bare averring them to be 'one and the same bill:' No more would they have declared (when our exceptions to the Ordinance and the Bill are so notoriously known to all our people 'That, care being taken to give satisfaction in all the particulars we had excepted against in the Ordinance, we had found new exceptions to the Bill;' and yet this very Declaration confesseth, that our exception to the Ordinance was, That in the disposing and execution thereof we were excluded. And was not this an express reason in our Answer, for our refusal of the Bill, which this Declaration will needs confute? 'But the power was no other than to suppress Rebellion, Insurrection, and foreign Invasion; and the persons trusted no other than such as were nominated by the Great Council of the kingdom, and assented to by us:' And that Declaration asks, 'If that be too great a power to trust these persons with?' Indeed whilst so great liberty is used in voting and declaring men to be enemies to the Common-Wealth, (an English phrase we scarcely understand) and in censuring men for their service and Attendance upon our person, and in our lawful

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commands, great heed must be taken into what hands we commit such a power to suppress Insurrection and Rebellion. And if Insurrection and Rebellion have found other definitions than what the law hath given them, we must be sure that no lawful power shall justify those definitions: and if there be learning found out to make sir John Hotham's taking arms against us, and keeping our town and fort from us, no treason or rebellion, we know not whether a new discovery may not find it rebellion in us to defend ourself from such arms, and to endeavour to recover what is so taken from us: and therefore it concerns us (till the known law of the land be allowed to be judge between us) to take heed into what hands we commit such power. Besides, can it be thought that, because we are willing to trust certain persons, we are obliged to trust them in whatsoever they are willing to be trusted? We say, no private hands are fit for such a trust, neither have we departed from any thing, in the least degree, we offered or promised before; though we might, with as much reason, have withdrawn our trust from some persons we before had accepted, as they did from others whom they recommened.—For the Power which we are charged to have committed to particular persons, for the space of 15 years, by our commissions of lieutenancy; it is notoriously known, that it was not a power created by us, but continued very many years, and in the most happy times this kingdom hath enjoyed, even those of our renowned predecessors queen Elizabeth, and our father of happy memory: and whatever authority was granted by those commissions, which were kept in the old forms, the same was determinable at our pleasure; and we know not that they produced any of those calamities, which might give our good subjects cause to be so weary of them as to run the hazard of so much mischief as that Bill, which we refused, might possibly have produced.—For the Precedents of former ages in the Commissions of Array; we doubt not but that when any such have issued out, the king's consent was always obtained, and the Commissions determinable at his pleasure; and then what the extent of power was, will be nothing applicable to this case of the Ordinance.—But whether that Declaration hath refuted our reasons for our refusal to pass the Bill or no, it hath resolved and required all persons in authority thereby to put the Ordinance in present execution; and all others to obey it, according to the fundamental Laws of the land: but we, whom God hath trusted to maintain and defend those fundamental Laws (which we hope he will bless to secure us) do declare, That there is no legal power in either or both houses, upon any pretence whatsoever, without our consent, to command any part of the Militia of this kingdom; nor hath the like ever been commanded by either or both houses since the first foundation of the laws of this land; and that the execution of, or the obedience to, that pretended Ordinance, is against the fundamental Laws of the Land, against the Liberty of the Subject, the Right of Parliaments, and a high Crime in any that shall henceforth execute the same.—We do therefore charge and command all our loving subjects, of what degree or quality soever, upon their allegiance, and as they tender the peace of this kingdom, from henceforth, not to muster, levy or array, summon or warn, any of our Trained-Bands, to rise, muster, or march by virtue or under colour of that pretended Ordinance: and to this Declaration and command of ours we expect and require a full submission and obedience from all our loving subjects upon their allegiance; as they will answer the contrary at their perils, and as they tender the upholding of the true Protestant profession, the safety of our person and our royal posterity, and the peace and being of this kingdom."

Message of Thanks from the Parliament to the Scots Privy Council.] May 21. The following Message of Thanks, from both houses, was ordered to be sent to the Privy Council in Scotland, for their advising the king to return to his Parliament, &c.

"The Declaration of the lords of the privy council of the kingdom of Scotland, made the 22nd of April, 1642, see p. 1217, having been perused and seriously considered by the lords and commons of the parliament in England, they have, by the consent of both houses, ordered, That, in their name, the commissioners for the kingdom of Scotland be intreated to return Thanks to that honourable table of the Privy Council of Scotland, for their great affection expressed to his majesty and this kingdom: and for their wise and sound counsel given to the king to return to his parliament, being his best and most impartial council, and to lay aside his purpose of going into Ireland; in both which they have fully concurred with the humble Petitions and desires presented to his majesty from both houses.—And as they have never given his majesty any just cause of Jealousy or Fears; but, in all their proceedings, have aimed at his honour, happiness, and safety, without any other design, but only to preserve and secure the true Protestant Religion, *and* the antient Liberties of this Kingdom; *so will* they carefully endeavour, by all fit means, to work in his majesty a right understanding of their loyal intentions and most affectionate desires for the common good of his majesty and his kingdoms; which can have no lasting nor sure foundations but in the mutual confidence betwixt him and his parliament: for the better obtaining whereof they intreat them to continue and renew such their good advice to his majesty, and to suppress the attempts of those who, upon causeless pretences and suggestions, shall persuade them to interpose in those unhappy differences, in such a manner as may weaken the confidence, or endanger the peace of the two kingdoms: and that their lordships will please to remember with what caution and tenderness, the state of Scotland have heretofore endeavoured that that king-

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dom might receive no prejudice by any proceedings of his majesty's privy council of England; the example of whose wisdom herein this parliament is willing to follow, and will always be very careful of the preservation of the mutual affection betwixt the two kingdoms; according to the treaties ratified in both parliaments, the brotherly affection which they bear to that nation, and the interest they have in the prosperity thereof, so much conducing to the establishment and security of the true religion and just liberties of this kingdom. For the better improving and applying this mutual union and correspondence to the settling of the present troubles, it isdesired by both houses of this parliament of England, That their lordships will send a Catalogue of those several Messages, Declarations, Answers and Instructions, which they have received from his majesty, that concern this kingdom; that so they may the better remove any doubt or mistake of their actions, which may be drawn from any such writings; and they likewise intend to send to the Council of Scotland, such Declarations, Petitions, and Remonstrances as they shall have occasion to make to their majesty and this kingdom; whereby their lordships may be the more fully informed of the true Grounds of their proceedings, and the amity and mutual intelligence betwixt the two kingdoms may be held in continual practice and exercise for the good of both."

Declaration of both Houses recapitulating the Messages, &c. between them and the King.] About this time a long Declaration, or Remonstrance, of Parliament was published in pursuance of an Order of both houses, of the 19th instant, for that purpose. As this piece contains a Recapitulation of all the Errors and Miscarriages in Government from the dissolu- of the last parliament, and also a Vindication of the proceedings of this parliament in consequence thereof, it is too important to be omitted, merely on account of its prolixity; and especially as the proceedings subsequent thereto would be rendered utterly unintelligible by the omission of this and similar long Declarations. An abridgment thereof would be to no purpose, seeing that several of the succeeding contests, between the king and parliament, took their rise from particular phrases and expressions made use of in them:

"The infinite mercy and providence of almighty God hath been abundantly manifested, since the beginning of this parliament, in great variety of protections and blessings; whereby he hath not only delivered us from many wicked plots and designs, which, if they had taken effect, would have brought ruin and destruction upon this kingdom; but, out of those attempts, hath produced divers evident and remarkable advantages to the furtherance of those services, which we have been desirous to perform to our sovereign lord the king, and to this church and state, in providing for the public peace and prosperity of his majesty and all his realms; which, in the presence of the same all-seeing Deity, we protest to have been, and still to be, the only end of all our counsels and endeavours; wherein we have resolved to continue freed and enlarged from all private aims, personal respects, or passions whatsoever. In which resolution we are nothing discouraged, although the heads of the Malignant Party, disappointed of their prey, the Religion and Liberty of this kingdom, which they were ready to seize upon and devour before the beginning of this parliament, have still persisted, by new practises, both of force and subtilty, to recover the same again; for which purpose they have made several attempts for the bringing up of the army: they afterwards projected the false accusation of the lord Kimbolton and the 5 members of the house of commons; which being in itself of an odious nature, they yet so far prevailed with his majesty as to procure him to take it upon himself; but when the unchangeable duty and faithfulness of the parliament could not be wrought upon, by such a fact as that, to withdraw any part of their reverence and obedience from his majesty; they have, with much art and industry, advised his majesty to suffer divers unjust scandals and imputations upon the parliament to be published in his name; whereby they might make it odious to the people, and, by their help, to destroy that, which, hitherto, hath been the only means of their own preservation. For this purpose they have drawn his majesty into the Northern parts, far from the parliament, that so false rumours might have time to get credit, and the just defences of the parliament find a more tedious, difficult and disadvantageous access, after those false imputations and slanders had been first rooted in the apprehension of his majesty and his subjects; which, the more speedily to effect, they have caused a press to be transported to York, from whence several Papers and Writings of that kind are conveyed to all parts of the kingdom, without the authority of the great seal, in an unusual and illegal manner, and without the advice of his majesty's privy counsel; from the greater and better part whereof having withdrawn himself, as well as from his great council of parliament, he is thereby exposed to the wicked and unfaithful counsels of such as have made the wisdom and the justice of parliament dangerous to themselves; and this danger they labour to prevent by hiding their own guilt, under the name and shadow of the king; infusing into him their own fears, and, as much as in them lies, aspersing his royal person and honour with their own infamy; from both which it hath always been as much the care, as it is the duty, of the parliament to preserve his majesty, and to fix the guilt of all evil actions and counsels upon those who have been the authors of them. Amongst divers Writings of this kind, we, the lords and commons in parliament, have taken into our consideration two printed Papers; the first containing a Declaration which we received from his majesty, in Answer to

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that which was presented to his majesty, from both houses of parliament, at Newmarket, the 9th of March, 1641, the other, his majesty's Answer to the Petition of both houses, presented to his majesty the 26th of March, 1642: both which are filled with harsh censures and causeless charges upon the parliament, concerning which we hold it necessary to give satisfaction to the kingdom, seeing we find it very difficult to satisfy his majesty; whom, to our great grief, we have found to be so engaged to, and possessed by, those misapprehensions which evil counsellors have wrought in him, that our most humble and faithful Remonstrances have rather irritated and embittered, than any thing allayed or mitigated, the sharp expressions which his majesty hath been pleased to make in Answer unto them; for the manifestation whereof, and of our own innocency, we desire that all his majesty's loving subjects may take notice of these particulars. We know no occasion given by us, which might move his majesty to tell us, 'That in our Declaration, presented at Newmarket, there were some expressions different from the usual language to princes.' Neither did we tell his majesty, either in words or in effect, 'That if he did not join with us in an act, which his majesty conceived might prove prejudicial and dangerous to himself and the whole kingdom, we would make a law without him, and impose it upon the people.' That which we desired was That, in regard of the imminent danger of the kingdom, the Militia, for the security of his majesty and his people, might be put under the command of such noble and faithful persons as they had all cause to confide in: and such was the necessity of this preservation, that we declared, 'That if his majesty should refuse to join with us therein, the two houses of parliament, being the supreme court and highest council of the kingdom, were enabled, by their own authority, to provide for the repulsing of such imminent and evident danger, not by any new law of their own making, as hath been untruly suggested to his majesty; but by the most antient law of this kingdom, even that which is fundamental and essenital to the constitution and subsistance of it.' Although we never desired to encourage his majesty to such Replies as might produce any contestation betwixt him and his parliament, of which we never found better effect than loss of time and hinderance of the public affairs; yet we have been far from telling him, 'Of how little value his words would be with us, much less when they are accompanied with actions of love and justice.' His majesty hath more reason to find fault with those wicked counsellors, who have so often bereaved him of the honour, and his people of the fruit, of many gracious Speeches which he made to them; such as those in the end of the last parliament, 'That on the word of a King, and as he was a gentleman, he would redress the grievances of his people, as well out of parliament as in it.' Were the searching the studies and chambers, yea, the pockets, of some, both of the nobility and commons, the very next day; the commitment of Mr. Bellasis, sir John Hotham, and Mr. Crew; the continued oppressions by Ship-Money, Coat and Conduct-Money, with the manifold Imprisonments, and other Vexations thereupon, and other ensuing violations of the laws and liberties of the kingdom, (all which were the effects of evil Counsel, and abundantly declared in our general Remonstrance of the State of the kingdom) actions of love and justice suitable to such words as those? As gracious was his majesty's Speech in the beginning of this parliament, 'That he was resolved to put himself, freely and clearly, upon the love and affection of his English subjects.' Whether his causeless complaints and jealousies, the unjust imputations so often cast upon his parliament, his denial of their necessary defence by the Ordinance of the Militia, his dangerous absenting himself from his great council, like to produce such a mischievous division in the kingdom, have not been more suitable to other men's evil counsels than to his own words, will easily appear to any indifferent judgment. Neither have his latter Speeches been better used and preserved by these evil and wicked counsellors: could any words be fuller of love and justice than these, in his Answer to the Message sent by the house of commons the 31st of December, 1641, 'We do engage unto you solemnly the Word of a king, that the security of all and every one of you from violence is, and ever shall be, as much our care, as the preservation of us and our children.' And could any actions be fuller of injustice and violence than that of the Attorney-General, in falsely accusing the six members of parliament, and the other proceedings thereupon, within three or four days after that Message? For the full view whereof let the Declaration, made of those proceedings, be perused. By these instances (we could add many more) let the world judge, who deserves to be taxed with disvaluing his majesty's words; they who have, as much as in them lies, stained and sullied them with such foul counsels; or the parliament, who have ever manifested, with joy and delight, their humble thankfulness for those gracious words and actions of love and justice, which have been conformable thereunto. The king is pleased to disavow the having any such evil counsel, or counsellors, as are mentioned in our Declaration, to his knowledge; and we hold it our duty humbly to avow there are such, or else we must say, That all the ill things, done of late in his majesty's name, have been done by himself; wherein we should neither follow the direction of the law, nor the affection of our own hearts; which is, as much as may be, to clear his maj. from all imputation of misgovernment, and to lay the fault upon his ministers. The false accusing of six members of parliament; the justifying Mr. Attorney in that false accusation; the violent coming to the house of commons; the denial of the Militia; the sharp Messages to both houses, contrary to the cus-

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tom of former kings; the long and remote absence of his majesty from parliament; the heavy and wrongful taxes upon both houses; the cherishing and countenancing a discontented party in the kingdom against them: these certainly are the fruits of very ill counsel, apt to put the kingdom into a combustion, to hinder the supplies of Ireland, and to countenance the proceedings and pretensions of the rebels there; and the authors of these evil counsels, we conceive must needs be known to his majesty; and we hope our labouring with his majesty to have these discovered and brought to a just censure, will not so much wound his honour in the opinion of his good subjects, as his labouring to preserve and conceal them. And whereas his majesty saith, 'He could wish that his own immediate actions, which he avows on his own honour, might not be so roughly censured under that common style of evil counsellors:' we could also heartily wish, we had not cause to make that style so common; but how often and unduti fully soever these wicked counsellors fix their dishonour upon the king, by making his majesty the author of those evil actions which are the effects of their own evil counsels, we his majesty's loyal and dutiful subjects can use no other style, according to that maxim in the law, 'The King can do no Wrong;' but if any ill be committed in matter of state, the council must answer for it; if in matters of justice, the judges. We lay no charge upon his majesty, which should put him upon that apology, concerning his faithful and zealous affection to the Protestant profession; neither doth his maj. endeavour to clear those in greatest authority about him, by whom we say, that design hath been potently carried on for divers years; and we rather wish that the mercies of Heaven, than the judgments, may be manifested upon them; but that there have been such, there are so plentiful and frequent evidences, that we believe there is none, either Protestant or Papist, who hath had any reasonable view of the passages of latter times, but, either in fear or hope, did expect a sudden issue of this design. We have no way transgressed against the Act of Oblivion, by remembering the intended war against Scotland, as a branch of that design to alter religion, by those wicked counsels, from which God did then deliver us, which we ought never to forget.—That the rebellion in Ireland was framed and cherished by the Popish and Malignant party in England, is not only affirmed by the rebels, but may be cleared by many other proofs: the same rebellious principles of pretended religion, the same politic ends are apparent in both; and their malicious designs and practices are masked and disguised with the same false colour of their earnest zeal to vindicate his majesty's prerogative from the supposed oppression of the parliament: how much these treacherous pretences have been countenanced by some evil counsel about his majesty may appear in this, That the Proclamation, whereby they were declared Traitors, was so long withheld as to the 2nd of Jan. though the Rebellion broke forth in Oct. before; and then no more but 40 copies appointed to be printed, with a special command from his majesty not to exceed that number; and that none of them should be published till his majesty's pleasure were further signified, as by the warrant appears;* so that a few only could take notice of it: this was made more observable, by the late contrary proceedings against the Scots; who were, in a very quick and sharp manner, proclaimed traitors; and those Proclamations forthwith dispersed, with as much diligence as might be, through all the kingdom, and ordered to be read in all churches, accompanied with public prayers and execrations. Another evidence of favour and countenance to the rebels, in some of power about his majesty, is this, That they have put forth, in his majesty's name, a causeless complaint against the parliament, which speaketh the same language of the parliament which the rebels do; thereby to raise a belief in men's minds, that his majesty's affections are alienated, as well as his person is removed, from that his great council. All which doth exceedingly retard the supplies of Ireland, and more advance the proceedings of the rebels, than any jealousy or misapprehension begotten in his subjects, by the declaration of the rebels, the injunctions of Rosetti, or the information of Tristram Whitcombe: so that, considering the present state and temper of both kingdoms, his royal presence is far more necessary here than it can be in Ireland, for the redemption or protection of his subjects there. And whether there be any cause of his majesty's great indignation, for being reproached to have intended force or threatening to the parliament, we desire them to consider who shall read our Declaration; in which there is no word tending to any such reproach: and certainly we have been more tender of his majesty's honour in this point, than he, whosoever he was, that did write this Declaration; where, in his majesty's name, he doth call God to witness, 'He never had any such thought, or knew of any such resolution of bringing up the army; which, truly, will seem strange to those, who shall read the deposition of Mr. Goring, the information of Mr. Percy, and divers examinations of Mr. Wilmot, Mr. Pollard, and others; the

* The warrant here referred to was as follows: "It is his majesty's pleasure that you forthwith print, in a very good paper, and send unto me, for his majesty's service, forty copies of the Proclamation inclosed, leaving a convenient space for his majesty to sign above, and to affix the privy-signet underneath: and his majesty's express command is, That you print not above the said number of forty copies; and forbear to make any further publication of them, till his pleasure be further signified, for which this shall be your warrant.—EDWARD NICHOLAS. Whitehall, January, 2, 1641. To his Majesty's Printer."

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examinations of Capt. Legge, sir Jacob Astley, and sir John Conyers; and consider the condition and nature of the Petition, which was sent unto sir Jacob Astley, under the approbation of C. R. which his majesty doth now acknowledge to be his own hand, which, being full of scandal to the parliament, might have proved dangerous to the whole kingdom, if the army should have interposed betwixt the king, and them, as was desired.—We do not affirm That his majesty's warrant was granted for the passage of Mr. Jermine, after the desire of both houses for the restraint of his servants; but only, That he did pass over, after that restraint, by virtue of such a warrant. We know the warrant bears date the day before our desire; yet it seems strange to those who know what great respect and power Mr. Jermine had in court, that he should begin his journey in such haste, and in apparel so unfit for travel, as a black sattin suit and white boots, if his going away were designed the day before.—The Accusation of the lord Kimbolton and the five Members of the house of commons, is called a Breach of Privilege; and truly so it was, and a very high one, far above any satisfaction that hath been yet given. How can it be said to be 'largely satisfied,' so long as his maj. laboured to preserve Mr. Attorney from punishment, who was the visible actor in it? So long as his maj. hath not only justified him, but, by his letter, declared, 'That it was his duty to accuse them; and that he would have punished him, if he had not done it?' So long as those members have not the means of clearing their innocency, and the authors of that malicious charge undiscovered, though both houses of parliament have several times petitioned his majesty to discover them; and that not only upon grounds of common justice, but by act of parliament, his majesty is bound to do it? So long as the king refuseth to pass a bill for their discharge, alledging, 'That the Narrative in that bill is against his honour;' whereby he seems still to avow the matter of that false and scandalous accusation, though he deserts the prosecution; offering to pass a bill for their acquittal, yet with intimation, 'That they must desert the avowing their own innocency?' which would more wound them in honour, than secure them in law. And, in vindication of this great privilege of parliament, we do not know that we have invaded any privilege belonging to his majesty, as is alledged in this Declaration. But we look not upon this, only, in the notion of a Breach of Privilege, which might be, though the accusation were true or false; but under the notion of a heinous crime in the Attorney and all other subjects who had a hand in it; a crime against the law of nature; against the rules of justice, that innocent men should be charged with so great an offence as Treason, in the face of the highest judicatory of the kingdom; whereby their lives and estates, their blood and honour, are endangered, without witness, without evidence, without all possibility of reparation, in a legal course; yet a crime of such a nature, that his majesty's command can no more warrant, than it can any other acts of injustice. It is true, those things which are evil in their own nature, such as a false testimony or false accusation, cannot be the subject of any command, or induce any obligation of obedience upon any man, by any authority whatsoever; therefore the Attorney, in this case, was bound to refuse to execute such a command, unless he had some such evidence or testimony as might have warranted him against the parties, and be liable to make satisfaction if it should prove false: and it is sufficiently known to every man, and adjudged in parliament, that the king can be neither relator, informer, nor witness. If it rest as it is, without further satisfaction, no future parliament can be safe, but that the members may be taken and destroyed at pleasure; yea the very principles of government and justice will bear danger to be dissolved.—We do not conceive that numbers do make an assembly unlawful; but when either the end or manner of their carriage shall be unlawful. Divers just occasions might draw the citizens to Westminster, where many public and private Petitions, and other causes, were depending in parliament; and why that should be found more faulty in the citizens, than the resort of great numbers every day in the term to the ordinary courts of justice, we know not. That those citizens were notoriously provoked and assaulted at Westminster, by colonel Lunsford, captain Hide, with divers others, and by some of the servants of the abp. of York, is sufficiently proved; and that afterward they were more violently wounded, and most barbarously mangled with swords by the officers and soldiers near Whitehall, many of them being without weapons, and giving no cause of distaste, is likewise proved by several testimonies: but of any scandalous or seditious misdemeanors of theirs, that might give his maj. good cause to suppose his own person, or those of his royal consort or children, to be in apparent danger, we have had no proof ever offered to either house; and if there had been any complaint of that kind, it is no doubt the houses would have been as forward to join in an Order for the Suppressing of such tumults, as they were, not long before, upon another occasion, when they made an Order to that purpose: whereas those officers and soldiers, which committed that violence upon so many of the citizens at Whitehall, were cherished and fostered in his majesty's house; and when, not long after, the common council of London presented a Petition to his majesty for reparation of those injuries, his majesty's Answer was, without hearing the proof of the complainants, 'That if any citizen were wounded or ill treated, his maj. was confidently assured that it happened by their own evil and corrupt demeanors.'—We hope it cannot be thought contrary to the duty and wisdom of a parliament, if many concurrent, and frequently reiterated and renewed, advertisements from Rome, Venice, Paris, and

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other parts; if the solicitation of the Pope's nuncio and our own discontented fugitives, do make us jealous and watchful for the safety of the state. And we have been very careful to make our expressions thereof so easy and so plain to the capacity and understanding of the people, that nothing might, justly, stick with them with reflection upon the person of his majesty; wherein we appeal to the judgment of any indifferent person, who shall read and peruse our own words.—We must maintain the Ground of our Fears to be of that moment that we cannot discharge the trust and duty which lies upon us, unless we do apply ourselves to the use of those means, to which the law hath enabled us, in cases of this nature, for the necessary defence of the kingdom: and as his majesty doth graciously declare, 'The Law shall be the Measure of his Power;' so do we most heartily profess, That we shall always make it the Rule of our Obedience."

Prudent Omissions in the KING'S ANSWER.

"The next Point of our Declaration was, with much caution, artificially passed over by him who drew his majesty's Answer; it being indeed the foundation of all our misery and his majesty's trouble, That he is pleased to hear general taxes upon his parliament, without any particular charge to which they may give satisfaction; and that he hath often conceived displeasure against particular persons upon misinformation, and although those informations have been clearly proved to be false, yet he would never bring the accusers to question; which layeth an impossibility upon honest men of clearing themselves, and gives encouragement unto false and unworthy persons to trouble him with untrue and groundless informations. Three particulars we mentioned in our Declaration, which the penner of that Answer had good cause to omit, viz. 'The Words supposed to be spoken at Kensington; the pretended Articles against the Queen; and the groundless Accusation of the 6 Members of the Parliament;' there being nothing to be said in defence or denial of any of them.—Concerning his majesty's desire to join with his parliament, and with his faithful subjects, in defence of Religion and the Public good of the kingdom;' we doubt not but he will do it fully when evil Counsellors shall be removed from about him; and until that be, as we shewed before of words, so must we also say of laws, that they cannot secure us: Witness the Petition of Right, which was followed with such an inundation of illegal taxes, that we had just cause to think that the payment of 820,000 *l.* was an easy burden to the common-wealth in exchange of them: and we cannot but justly think, that, if there be a continuance of such ill counsellors and favour to them, they will, by some wicked device or other, make the bill for the Triennial Parliament, and those other excellent laws mentioned in his majesty's Declaration, of less value than words.—That excellent bill, for the 'Continuance of this Parliament,' was so necessary, that, without it, we could not have raised such great sums of money for the service of his maj. and the common-wealth as we have done; and, without which, the ruin and destruction of the kingdom must needs have followed: and we are resolved the gracious favour of his majesty expressed in that bill, and the advantage and security which, thereby, we have from being dissolved, shall not encourage us to do any thing, which, otherwise, had not been fit to have been done. And we are ready to make it good before all the world, that although his maj. hath passed many bills very advantageous for the subject; yet, in none of them, have we bereaved his majesty of any just, necessary, or profitable prerogative of the crown.—We so earnestly desire his majesty's Return to London, that upon it, we conceive, depends the very safety and being of both his kingdoms. And therefore we must protest, That, as for the time past, neither the government of London, nor any laws of the land, have lost their life and force for his security; so, for the future, we shall be ready to do or say any thing that may stand with the duty or honour of a parliament, which may raise a mutual confidence betwixt his majesty and us, as we do wish, and as the affairs of the kingdom do require.—Thus far the Answer to that which is called his majesty's Declaration hath led us, now we come to that which is intitled, 'His Majesty's Answer to the Petition of both houses, presented to him at York the 26th of March, 1642.' In the beginning whereof his maj. wisheth, 'That our Privileges on all parts were so stated, that this way of correspondency might be preserved, with that freedom which hath been used of old:' We know nothing introduced by us, that gives any impediment hereunto; neither have we affirmed our privileges to be broken, when his majesty denies us any thing, or gives a reason why he cannot grant it; or that those, who advised such denial, were enemies to the peace of the kingdom, and favourers of the Irish Rebellion; in which aspersion, that is turned into a general assertion, which, in our Votes, is applied to a particular case; wherefore we must maintain our Votes, 'That those who advised his majesty to contradict that which both houses, in the question concerning the Militia, had declared to be law, and command it should not be obeyed, is a high Breach of Privilege; and that those who advised his majesty to absent himself from his parliament, are enemies to the peace of the kingdom, and justly to be suspected to be favourers of the rebellion in Ireland:' the Reasons of both are evident; because, in the first, there is a great derogation from the trust and authority of parliament; and, in the second, as much advantage to the proceedings and hopes of the rebels, as may be. And we hold it a very causeless imputation upon the parliament, That we have herein any way impeached, much less taken away, the freedom of his majesty's vote; which doth not import a liber-

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ty for his majesty to deny any thing, how necessary soever, for the preservation of the kingdom; much less a licence to evil counsellors to advise any thing, though never so destructive to his majesty and his people.—By the Message of the 20th of Jan. his maj. did propound to both houses of parliament, 'That they would, with all speed, fall into a serious consideration of all those particulars which they thought necessary, as well for the Upholding and Maintaining his majesty's just and regal Authority, and for Settling his Revenue, as for the present and future establishing our privileges; the free and quiet enjoying our estates; the liberties of our persons; the security of the true religion professed in the church of England; and the settling of ceremonies in such a manner as may take away all just offence; and to digest it into one entire body.'—To that point of Upholding and Maintaining his Royal Authority; we say nothing hath been done to the prejudice of it, that should require any new provision. To the other, of Settling the Revenues; the parliament hath no way abridged or disordered his just revenue; but it is true, that much waste and confusion of his majesty's estate hath been made, by those evil and unfaithful ministers, whom he hath employed in the managing of it; whereby his own ordinary expences would have been disappointed, and the safety of the kingdom more endangered, if the parliament had not, in some measure, provided for his household, and for some of the forts, more than they were bound to do; and they are still willing to settle such a revenue upon his maj. as may make him live royally, plentifully, and safely; but they cannot, in wisdom and fidelity to the commonwealth, do this, till he shall chuse such counsellors and officers as may order and dispose it to the public good; and not apply it to the ruin and destruction of his people, as heretofore it hath been: but this, and the other matters concerning ourselves, being works of great importance, and full of intricacy, will require so long a time of deliberation, that the kingdom might be ruined before we should effect them; wherefore we thought it necessary, first to be suitors to his maj. so to order the Militia, that, the kingdom being secured, we might, with more ease and safety, apply ourselves to debate of that Message; wherein we have been interrupted by his majesty's denial of the Ordinance concerning the same; because it would be in vain for us to labour in other things, and, in the mean time, to leave ourselves naked to the malice of so many enemies, both at home and abroad: yet we have not been altogether negligent of those things, which his maj. is pleased to propound in that Message; we have agreed upon a Book of Rates, in a larger proportion than hath been granted to any of his majesty's predecessors, which is a considerable support of his majesty's publick charge; and have likewise prepared divers propositions and bills for the preservation of our religion and liberties, which we intend shortly to present to his majesty; and to do whatsoever is fit for us, to make up this unpleasant breach betwixt his maj. and the parliament.—Whereas divers exceptions are here taken concerning the Militia; first, 'That his majesty never denied the thing, but accepted the persons, except for corporations; only that he denied the way.' To which we answer, That that exception takes off London, and all other great towns and cities, which makes a great part of the kingdom; and for the way of Ordinance, it is ancient, more speedy, more easily alterable; and, in all these and other respects, more proper and more applicable to the present occasion, than a Bill, which his majesty calls 'the only good old way of imposing upon his subjects.' It should seem that neither his majesty's royal predecessors, nor our ancestors, have heretofore been of that opinion; for in 37 Edw. 3. we find this record, 'The chancellor made declaration of the challenge of the parliament; the king desires to know the griefs of his subjects, and to redress enormities. The last day of the parliament the king demanded of the whole estates, Whether they would have such things as they agreed on, by way of Ordinance or Statute; who answered, By way of Ordinance, for that they might amend the same at their pleasure; and so it was.'* But his majesty objects further, 'That there is somewhat in the Preface, to which he could not consent with justice to his honour and innocence; and that thereby he is excluded from any power in the disposing thereof.' These objections may seem somewhat, but indeed will appear nothing, when it shall be considered, That nothing in the preamble lays any charge upon his majesty; or, in the body of the Ordinance, that excludes his royal authority in the disposing or execution of it; but only it is provided, 'That it should be signified by both houses of parliament,' as that channel through which it will be best derived, and, most certainly, to those ends for which it is intended: and let all the world judge, whether we have not reason to insist upon it, That the strength of the kingdom should rather be ordered according to the direction or advice of the Great Council of the land, equally intrusted by the king and the kingdom, than that the safety of the king, parliament, and kingdom should be left at the devotion of a few unknown counsellors; many of them not intrusted at all by the king in any public way, nor at all confided in by the kingdom. We wish the Danger were not imminent, or not still continuing; but we cannot conceive that the long time spent in this debate is evidence sufficient, 'That there was no such necessity or danger, but a bill might easily have been prepared; for when many causes do concur to the danger of a state, the interruption of any one may hinder the execution of the rest, and yet the design be still kept on

* The reader will find the authority, here cited, in vol. i. p. 128.

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foot for better opportunities: who knows whether the ill success of the rebels in Ireland hath not hindered the insurrection of the Papists here? Whether the preservation of the six Members of the parliament, falsely accused, hath not prevented that plot of the breaking the neck of the parliament, of which we were informed from France, not long before they were accused? Yet, since his maj. had been pleased to express his pleasure rather for a Bill than an Ordinance, and that he sent in one for that purpose, we readily entertained it; and, with some small and necessary alterations, speedily passed the same: but, contrary to the custom of parliament, and our expectation grounded upon his majesty's own invitation of us to that way, and the other reasons manifested in our Declaration concerning the Militia, of the 5th of May, instead of his royal assent, we met with an absolute refusal.—If the matter of those our Votes of the 15th and 16th of March, be according to law, we hope his majesty will allow the subjects to be bound by them; because he hath said, 'He will make the Law the rule of his Power:' and if the question be, Whether that be law which the lords and commons have once declared to be so, who shall be the judge? Not his majesty, for the king judgeth not of matters of law, but by his courts; and his courts, though sitting by his authority, expect not his assent in matters of law: not any other courts, for they cannot judge in that case, because they are inferior; no appeal lying to them from parliament, the judgment whereof is, in the eye of the law, the king's judgment in his highest court; though the king, in his person, be neither present nor assenting thereunto.—The Votes at which his majesty takes exceptions are these: 1. 'That the king's absence so far remote from the parliament, is not only an obstruction, but may be a destruction to the affairs of Ireland. 2. That when the lords and commons shall declare what the law of the land is, to have this not only questioned and controverted, but contradicted, and a command that it should not be obeyed, is a high breach of the privilege of parliament. 3. That those persons that advised his maj. to absent himself from the parliament, are enemies to the peace of the kingdom, and justly may be suspected to be favourers of the Rebellion in Ireland. 4. That the kingdom hath been of late, and still is, in so imminent danger, both from enemies abroad, and a Popish and discontented party at home, that there is an urgent and inevitable necessity of putting his majesty's subjects into a posture of defence, for the safeguard both of his majesty and his people. 5. That the lords and commons, fully apprehending this danger, and being sensible of their own duty to provide a suitable prevention, have, in several Petitions, addressed themselves to his majesty for the ordering and disposing the Militia of the kingdom, in such a way as was agreed upon, by the wisdom of both houses, to be most effectual and proper for the present exigencies of the kingdom, yet could not obtain it; but his majesty did, several times, refuse to give his royal assent thereunto. 6. That in this case of extreme danger, and his maj.'s refusal, the Ordinance of parliament agreed upon by both houses, for the Militia, doth oblige the people; and ought to be obeyed, by the fundamental laws of this kingdom.'—By all which it doth appear, that there is no colour of this tax, 'That we go about to introduce a new law,' much less to exercise an arbitrary power; but indeed to prevent it: for this law is as old as the kingdom. That the kingdom must not be without a means to preserve itself; which, that it may be done without confusion, this nation hath intrusted certain hands with a power to provide, in an orderly and regular way, for the good and safety of the whole; which power, by the constitution of this kingdom, is in his maj. and in his parliament together; yet since the prince, being but one person, is more subject to accidents of nature and chance, whereby the commonwealth may be deprived of the fruit of that trust which was in part reposed in him; in cases of such necessity, that the kingdom may not be inforced presently to return to its first principles, and every man left to do what is right in his own eyes, without either guide or rule, the wisdom of this state hath intrusted the houses of parliament with a power to supply what shall be wanting on the part of the prince; as is evident by the constant custom and practice thereof, in cases of non-age, natural disability, and captivity; and the like reason doth, and must, hold for the exercise of the same power in such cases, where the royal trust cannot be or is not discharged, and that the kingdom runs an evident and imminent danger thereby; which danger, having been declared by the lords and commons in parliament, there needs not the authority of any person or court to affirm, nor is it in the power of any person or court to revoke, that judgment.—We know the king hath ways enough, in his ordinary courts of justice, to punish such seditious Pamphlets and Sermons as are any way prejudicial to his rights, honour, and authority; and if any of them have been so insolently violated and villified, his majesty's own counsel and officers have been to blame, and not the parliament; never we did restrain any proceedings of that kind in other courts, nor refuse any fit complaint to us. The 'Protestation Protested' was referred by the commons house to a committee, and the author not being produced, the printer was committed to prison, and the book voted by that committee to be burnt; but sir Edw. Dering, who was to make that report of the Votes of that committee, neglected to make it: The 'Apprentices Protestation was never complained of; but the other seditious pamphlet, 'To your Tents, O Israel,' was once questioned, and the full prosecution of it was not interrupted by any fault of either house; whose forwardness to do his maj. all right therein may plainly appear, in that

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a committee of lords and commons was purposely appointed to take such informations as the king's counsel should present, concerning seditious words, practices or tumults, pamphlets or sermons, tending to the derogation of his majesty's rights or prerogative; and his counsel were enjoined by that committee, to inquire and present them, who several times met thereupon, and received this Answer and Declaration from the king's counsel, 'That they knew of no such thing as yet.'—If his maj. had used the service of such a one in penning this Answer, who understood the laws and government of this kingdom, he would not have thought it legally in his power to deny his parliament a Guard, when they stood in need of it, since every ordinary court hath it; neither would his majesty, if he had been well informed of the laws, have refused such a guard as they desired, it being in the power of inferior courts to command their own guard; neither would he have imposed upon them such a guard under a commander which they could not confide in; which is clearly against the privileges of parliament, and of which they found very dangerous effects, and therefore desired to have it discharged: but such a guard, and so commanded, as the houses of parliament desired, they could never obtain of his majesty; and the placing of a guard about them contrary to their desire, was not to grant a guard to them, but, in effect, to set one upon them. All which considered, we believe, in the judgments of any indifferent persons, it will not be thought strange if there were a more than ordinary resort of people at Westminster, of such as came willingly, of their own accord, to be witnesses and helpers of the safety of them whom all his majesty's good subjects are bound to defend from violence and danger; or that such a concourse as this, they carrying themselves quietly and peaceably as they did, ought, in his majesty's apprehension, or can, in the interpretation of the law, be held tumultuary and seditious.—When his majesty, in that question of 'Violation of the Laws,' had expressed the observation of them indefinitely, without any limitation of time; although we never said or thought any thing that might look like a reproach to his majesty, yet we had reason to remember that it had formely been otherwise, lest we should seem to desert our complaints and proceedings thereupon, as his maj. doth seem but little to like or approve of them; for although he doth acknowledge here that great mischief which grew by that arbitrary power then complained of, yet such are continually preferred and countenanced as were friends or favourers of, or related unto, the chief authors and actors of that arbitrary power and of those false colours and suggestions of imminent danger and necessity, whereby they did make it plausible unto his majesty; and, on the other side, such as did appear against them are daily discountenanced and disgraced; which, whilst it shall be so, we have no reason to judge the disease to be yet killed and dead at root; and therefore no reason to bury it in oblivion. And whilst we behold the spawns of those mischievous principles cherished and fostered in that new generation of counsellors, friends and abettors of the former, or at least concurring with them in their malignancy against the proceedings of this parliament, we cannot think ourselves secure from the like or a worse danger.—And here the penner of the Answer bestows an admonition upon the parliament, bidding us 'take heed we fall not upon the same error, upon the same suggestions;' but he might have well spared this, till he could have shewed wherein we had exercised any power otherwise than by the rule of the law: or could have found a more authentic or a higher judge in matters of law than the high court of parliament. It is declared in his majesty's name 'That he is resolved to keep the rule himself, and, to his power, to require the same of all others.' We must needs acknowledge that such a resolution is like to bring much hapiness and blessing to his majesty and all his kingdoms; yet, with humility, we must confess we have not the fruit of it, in that case of the lord Kimbolton, and the other 5 Members, accused contrary to law, both common law and statute law, and yet remaining unsatisfied; which case was remembered in our Declaration as a strange and unheard-of violation of our laws: but the penner of this Answer thought fit to pass it over, hoping that many would read his maj.'s Answer, which hath been so carefully dispersed, who would not read our Declaration.—Whereas, after our ample thanks and acknowledgement of his majesty's favour in passing many good bills, we said, 'That truth and necessity inforced us to add this, that, in or about the time of passing those bills, some design or other hath been on foot, which, if it had taken effect, would not only have deprived us of the fruit of those bills, but would have reduced us to a worse condition of confusion, than that wherein the parliament found us:' It is now told us, 'That the king must be most sensible of what we cast upon him, for requital of those good bills;' whereas, out of our usual tenderness of his majesty's honour, we did not mention him at all: but so injurious are those wicked counsellors to the name and honour of their master and sovereign, that, as much as they can, they lay their own infamy and guilt upon his shoulders.—Here God is also called to witness 'his majesty's upright intentions at the passing of those laws.' This we will not question; neither did we give any occasion for such a solemn asseveration as this is. The Devil is likewise defied to prove there was any design, with his majesty's knowledge or privity. This might well have been spared; for we spake nothing of his majesty: but since we are so far taxed as to have it affirmed, 'That we laid a notorious and false imputation upon his majesty,' we have thought it necessary for the just defence of our own innocency, to cause the Oaths and Examinations, which have been taken concerning

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the design, to be published in a full Narration, for satisfaction of all his majesty's subjects, out of which we shall now offer some few particulars; whereby the world may judge whether we could have proceeded with more tenderness towards his majesty than we have done. Mr. Goring confesseth, 'That the king first asked him, Whether he were engaged in any cabal concerning the army, and commanded him to join with Mr. Piercy, Mr. Jermyn, and some others whom they should find within at Mr. Piercy's chamber; where they took the oath of secrecy; and then debated of a design, propounded by Mr. Jermyn, to secure the Tower, and to consider of bringing up the Army to London.' And captain Legg confessed 'He had received the draught of a Petition in the king's presence;' and his majesty acknowledgeth it was from his own hand. And whosoever reads the sum of that Petition, as it was proved by the testimony of sir Jacob Ashley, sir John Conyers, and captain Legg, will easily perceive some points in it apt to beget in them some discontent against the parliament. And can any man believe there was no design in the accusation of the lord Kimbolton and the rest, in which his majesty doth avow himself to be both a commander and an actor? These things being so, it will easily appear to be as much against the rules of prudence, that the penner of this Answer should entangle his maj. in this unnecessary apology; as it is against the rules of justice, that any reparation from us should be either yielded or demanded.—It is professed in his majesty's name, 'That he is truly sensible of the burdens of his people;' which makes us hope that he will take that course which will be most effectual, to ease them of these burdens; that is, to join with his parliament in preserving the peace of the kingdom; which, by his absence from them, hath been much endangered; and which, by hindering the voluntary adventurers for recovery of Ireland, and disabling the subjects to discharge the great tax laid upon them, is like to make the war much more heavy to the kingdom. And for his majesty's wants; the parliament have been no cause of them: we have not diminished his just Revenue; but have much eased his public Charge, and somewhat his private. And we shall be ready, in a parliamentary way, to settle his revenue in such an honourable proportion, as may be answerable to both, when he shall put himself into such a posture of government, that his subjects may be secure to enjoy his just protection for their religion, laws, and liberties.—We never refused his majesty's gracious offer of a free and general Pardon, only we said, 'It could be no security to our present Fears and Jealousies:' and we gave a reason for it, 'That those fears did not arise out of any guilt of our own actions; but out of the evil designs and attempts of others.' And we leave it to the world to judge, whether we, herein, have deserved so heavy a tax and exclamation, 'That it was a strange world when princes' proffered favours are counted reproaches,' such are the words of his majesty's Answer. We do esteem that offer as an act of princely grace and bounty, which, since this parliament began, we have humbly desired we might obtain; and do still hold it very necessary and advantageous for the generality of the subjects, upon whom these taxes and subsidies lie heaviest; but we see, upon every occasion, how unhappy we are in his majesty's misapprehensions of our words and actions.—We are fully of the king's mind as it is here declared, 'That he may rest so secure of the affections of his subjects, that he should not stand in need of foreign force to preserve him from oppression;' and are confident, that he shall never want an abundant evidence of the good wishes and asistance of his whole kingdom; especially if he shall be pleased to hold to that gracious resolution of building upon that sure foundation, 'the Law of the Land:' but why his maj. should take it ill, that we, having received informations so deeply concerning the safety of the kingdom, should think them proper to be considered of, we cannot conceive; for although the name of the person were unknown, yet that which was more substantial to the probability of the report was known; that is, that he was servant to the lord Digby; who, in his presumptuous Letter to the queen, and other letters to sir L. Dives, had intimated some wicked propositions suitable to that information: but that this should require reparation, we hold it as far from justice as it is from truth, 'That we have mixed any malice with these rumours, thereby to feed the fears and jealousies of the people.'—It is affirmed, 'his majesty is driven' (but not by us yet) 'from us.' Perchance hereafter, if there be opportunity of gaining more credit, they will not be wanting who will suggest unto his majesty, That it is done 'by us.' And if his majesty were driven from us, we hope it was not by his own fears, but by the fears of the lord Digby and his retinue of cavaliers: and those not fears of any tumultuary violence, but of their just punishment for their manifold insolence, and intended violence, against the parliament: and this is expressly declared by the lord Digby himself, when he told those cavaliers, 'That the principal cause of his majesty's going out of town was to save them from being trampled in the dirt: but of his majesty's person there was no cause of fear, in the greatest heat of the people's indignation after the accusation; and at his majesty's violent coming to the house there was no shew of any evil intention against his royal person: of which there can be no better evidence than this, That he came next day without a guard into the city, where he heard nothing but prayers and petitions; no threatenings or irreverent Speeches that might give him any just occasion of fear, that we have heard of, or that his maj. exprest: for he stayed near a week after at Whitehall, in a secure and peaceable condition; whereby we are induced to believe, that there is no difficulty nor

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doubt at all, but his majesty's residence near London may be as safe as in any part of the kingdom. We are most assured of the faithfulness of the city and suburbs; and for ourselves, we shall quicken the vigour of the laws, the industry of the magistrate, and the authority of parliament, for the suppressing of all tumultary insolencies whatsoever; and for the vindicating of his honour from all insupportable and insolent scandals, if any such shall be found to be raised upon him, as are mentioned in this Answer; and we therefore think it altogether unnecessary, and exceeding inconvenient, to adjourn the parliament to any other place.—Where the desire of a good understanding betwixt the king and the parliament is, on both parts, so earnest, as is here professed of his majesty to be in him, and we have sufficiently testified to be in ourselves, it seems strange we should be so long asunder: It can be nothing but evil and malicious counsel, misrepresenting our carriage to him in disposing his favours to us: and as it shall be far from us to take any advantage of his majesty's supposed straits, as to desire, much less to compel, him to that which his honour or interest may render unpleasant and grievous to him; so we hope that his maj. will not make his own understanding or reason the rule of his government; but will suffer himself to be assisted with a wise and prudent counsel, that may deal faithfully betwixt him and his people: and that he will remember that his resolutions do concern kingdoms; and therefore ought not to be moulded by his own, much less by any other private person, which is not alike proportionable to so great a trust. And therefore we still desire and hope that his maj. will not be guided by his own understanding, or think those courses straits and necessities, to which he shall be advised by the wisdom of both houses of parliament, which are the eyes in this body politic, whereby his maj. is, by the constitution of this kingdom, to discern the differences of those things which concern the public peace and safety thereof.—We have given his majesty no cause to say, 'That we do meanly value the discharge of his public duty.' Whatsoever acts of grace or justice have been done, they proceeded from his maj. by the advice and counsel of his parliament; yet we have and shall always answer them with constant gratitude, obedience, and affection: and although many things have been done, since this parliament, of another nature, yet we shall not cease to desire the continued protection of Almighty God upon his majesty; and most humbly petition him to cast from him all those evil and contrary counsels, which have, in many particulars formerly mentioned, much detracted from the honour of his government, the happiness of his own estate, and prosperity of his people. And having past so many dangers from abroad, so many conspiracies at home, and brought on the public work so far, through the greatest difficulties that ever stood in opposition to a parliament, to such a degree of success, that nothing seems to be left in our way able to hinder the full accomplishment of our desires and endeavours for the public good; unless God in his justice do send such a grievous curse upon us, so as to turn the strength of the kingdom against itself, and to effect that by their own folly and credulity, which the power and subtilty of their and our enemies could not attain; that is, to divide the people from the parliament, and to make them serviceable to the ends and aims of those who would destroy them: therefore we desire the kingdom to take notice of this last most desperate and mischievous Plot of the Malignant Party, that is acted and prosecuted in many parts of the kingdom, under the plausible notions of stirring them up to a care of preserving the king's prerogative, maintaining the discipline of the church, upholding and continuing the reverence and solemnity of God's service, and encouraging of learning. Upon these grounds, divers mutinous Petitions have been framed in London, Kent, and other counties; sundry of his majesty's subjects have been solicited to declare themselves for the king, against the parliament; and many false and foul aspersions have been cast upon our proceedings, as if we had been not only negligent, but averse in these points; whereas we desire nothing more than to maintain the purity and power of religion, and to honour the king in all his just prerogatives. And for encouragment and advancement of piety and learning, we have very earnestly endeavoured, and still do, to the utmost of our power, that all parishes may have learned, pious, and sufficient preachers, and all such preachers competent livings.—Many other Bills and Propositions are in preparation for the king's profit and honour, and the people's safety and prosperity; in the proceedings whereof we are much hindered by his majesty's absence from the parliament, which is altogether contrary to the use of his predecessors, and the privileges of parliament; whereby our time is consumed by a multitude of unnecessary Messages, and our innocency wounded by causeless and sharp invectives: Yet we doubt not but we shall overcome *all* this at last, if the people suffer not themselves to be deluded with false and specious shews: and so drawn to betray us, to their own undoing, who have ever been willing to hazard the undoing of ourselves, that they might not be betrayed by our neglect of the trust reposed in us; but, if it were possible, they should prevail herein, yet we would not fail, through God's grace, still to persist in our duties, and to look beyond our own lives, estates, and advantages; as those who think nothing worth the enjoying without the liberty, peace, and safety of the kingdom; nor any thing too good to be hazarded, in discharge of our consciences, for the obtaining of it; and shall always repose ourselves upon the protection of Almighty God, which we are confident shall never be wanting

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to us, while we seek his glory; as we have found it, hitherto, wonderfully going along with us in all our proceedings."

A fourth Letter to the Parliament from their Committee at York.] To support the allegagations set forth in the foregoing Declaration, there were added a great number of Examinations, Letters, Warrants, and Depositions, selected out of such as had been laid before both houses, and digested into order by committees appointed for that purpose.

May 23. Another letter from lord Howard, at York, directed to the lord keeper, dated the 21st of May, was read to the lords in hæc verba:

"My lord; By my last I sent your lordship a copy of a Warrant, from his majesty to the head constable, for summoning the regiment, late sir Rob. Strickland's, which being met together, their officers have drawn them hither to this city, and billetted them here; where by course, divers were called to attend at the court, as a guard to his majesty's person. We do not hear that there is any colonel or lieut. colonel: but one capt. Duncomb, who is serjeant-major, and one who was sent for as a delinquent touching the Petition for staying the Magazine, is the active man who both raised them, and commands in chief. At their first coming to town, we attended his majesty, but we could not prevail for the disbanding of them. We have delivered your Ordinance to the sheriff, and required him to do his duty. His Answer was, He would do it to the utmost of his power; but that these being now without his county, he could not meddle with them; but he would take advice what was fit for him to do. Shortly after he returned to us, and said, the king had sent for him, and inquired if he had not some commands from the parliament; he then shewed him the Ordinance, and, after his maj. had read it, he required him, on his allegiance, not to obey any of those commands: but how the sheriff will demean himself for the future, for the preventing the raising of any more of these Trained Bands, we do not know.—This day the horse were mustered, who were summoned to be here yesterday; and not only those who came on their voluntary offers, but divers appeared upon summons by the printed Paper, the copy of which I sent in my last letter; the whole number, as we are informed, were under 200. It is told us, his majesty will keep about 50 here for his guard, and that the rest should be ready to attend upon summons, but are dismissed for the present. On Friday next the freeholders, copyholders, and all other able farmers, are summoned to be here: but upon what occasion, or what the event will be, we cannot tell. My lord, your lordship's &c. ED. HOWARD. York, May 21, 1642." P. S. The sheriff came to us this day and delivered the annexed Paper, as an Answer to those commands enjoined by the Ordinance."

"Since the receiving of your Order, I cannot find there are any in this county who are assembled together in a posture of war, or disturbers of the public peace. When any such shall appear, I will be most ready to discharge the duty of a faithful subject, according as I am obliged by my oath and the law of the land. RD. HUTTON."

The next thing we find memorable in this day's transactions, is an Order of the lords to discharge the Guards, which had attended both houses for a long time, until they should receive further commands; and that the house of commons should be acquainted therewith.

The Lord Keeper Littleton deserts the Parliament, and joins the King.] May 23. p. m. The lords were informed, That the lord keeper having leave of the house to be a few days absent for his health, was gone to York, and had parted with the Great Seal two days before. Hereupon it was ordered, That the gentleman-usher attending that house, or his deputy, should forthwith take into custody the rt. hon. Edw. lord Littleton, and bring him before the lords in parliament; and together, with him, the Great Seal, if it be in his custody. Ordered also, That all sheriffs, mayors, constables, and other his majesty's officers, shall be aiding to the gentleman-usher or his deputies.

The King gets possession of the GREAT SEAL.] Some further account of this remarkable affair may be here very proper; because the king's getting possession of the Great Seal was thought, by all parties, a most considerable advantage. The lord keeper Littleton, by having declared his opinion in favour of the Ordinance for the Militia; by refusing to demand of the earls of Essex and Holland the resignation of their offices of chamberlain of the household and groom of the stole, as before-mentioned (p. 1172), and by complying with the prevailing party in opposition to the king, had highly disgusted his maj.; insomuch that his leaving the parliament was by them absolutely unexpected. Lord Clarendon has given us a very particular narrative of the manner by which this affair was conducted; and which is the more to be regarded, because he was the very person intrusted by the king to bring it about. The whole is too long for our purpose, we shall therefore content ourselves with some of the most remarkable circumstances, and refer to his lordship's History for the rest.—"At an interview of the lord keeper and Mr. Hyde, (between whom there had been frequent visits) the latter with great freedom and plainness, told his lordship, 'How much he had lost the esteem of all good men, and that the king could not but be exceedingly dissatisfied with him;' and discoursed over the matter of his vote upon the Ordinance for the Militia. As soon as Mr. Hyde had entered upon this discourse, which he heard with all attention, they being by themselves in his study at Exeter-House, he rose from his chair and went to the door; and finding some persons in the next room, he bad them to withdraw; and, locking both the door of that room and of his study, he sat down himself, and making Mr. Hyde sit down too, he begun 'With giving him many thanks for his friend

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ship to him, which, he said, he had ever esteemed; and he could not more manifest the esteem he had of it and him, than by using that freedom again with him which he meant to do. Then he lamented his own condition; and that he had been preferred from the Common Pleas, where he knew both the business and the persons he had to deal with, to the other high office he now held; which obliged him to converse and transact with another sort of men, who were not known to him, and in affairs which he understood not, and had not one friend among them with whom he could confer upon any doubt which occurred to him.'—He spoke then of the unhappy state and condition of the king's business; how much he had been, and was still, betrayed by persons who were about him; and with all possible indignation against the proceedings of the parliament; and said, 'They would never do this, if they were not resolved to do more: that he knew the king too well, and observed the carriage of particular men too much, and the whole current of public transactions these last five or six months, not to foresee that it could not be long before there would be a war between the king and the two houses; and of the importance, in that season, that the Great Seal should be with the king.' Then he fell into many expressions of his duty and affection to the king's person, as well as to his high degree; and, That no man should be more ready to perish with, and for, his majesty, than he would be: that the prospect he had of this necessity had made him carry himself towards that party with so much compliance, that he might be gracious with them, at least that they might have no distrust of him, which he knew many had endeavoured to infuse into them; and that there had been a consultation, within few days, whether, in regard that he might be sent for by the king, or that the Seal might be taken from him, it would not be best to appoint the Seal to be kept in some such secure place, as that there might be no danger of losing it; and that the keeper should always receive it for the execution of his office, they having no purpose to disoblige him. And the knowledge he had of this consultation, and fear he had of the execution of it, had been the reason why, in the late debate upon the Militia, he had given his vote in such a manner as he knew would make very ill impressions with the king, and many others who did not know him very well; but that, if he had not in that point submitted to their opinion, the Seal had been taken from him that night; whereas, by his compliance in that vote, which could only prejudice himself, and not the king, he had gotten so much into their confidence, that he should be able to preserve the Seal in his own hands till the king required it, and then he would be as ready to attend his majesty with it.'—Mr. Hyde was very well pleased with this discourse, and asked him, 'Whether he would give him leave, when there should be a fit occasion, to assure the king, that he would perform this service when the king should require it?' He desired 'That he would do so, and pass his word for the performance of it, as soon as his majesty pleased;' and so they parted. The king, being informed of what had passed at this interview, was at first very unwilling to rely upon the lord keeper's promises, but being at length satisfied of his good intentions towards him, resolved. 'That he would such a day of the week following, send for the Keeper and the Seal;' and that it should be, as had been advised, upon a Saturday afternoon, as soon as the house of lords should rise, because then no notice could be taken of it till Monday. Mr. Hyde, who had continued to see the keeper frequently, and was confirmed in his confidence of his integrity, went now to him; and finding him firm to his resolution, and of opinion, in regard of the high proceedings of the houses, that it should not be long deferred; he told him, 'That he might expect a messenger the next week, and that he should once more see him, when he would tell him the day; and that he would then go himself away before him to York.'—Accordingly on the Saturday following, between 2 and 3 of the clock in the afternoon, Mr. Elliot, a groom of the bedchamber to the prince, came to the keeper, and found him alone in the room where he used to sit; and delivered him a letter from the king, in his own hand, wherein he required him, with many expressions of kindness and esteem, 'to make haste to him; and if his indisposition' (for he was often troubled with gravel and sharpness of urine) 'would not suffer him to make such haste upon the journey as the occasion required, that he should deliver the Seal to the person who gave him the letter; who, being a strong young man, would make such haste as was necessary; and that he might make his own journey by those degrees which his health required.' The keeper was surprized with the messenger, whom he did not like; and more when he found that he knew the contents of the letter, which he hoped would not have been communicated to any man who should be sent. He answered him with much reservation; and when the other, with bluntness, (as he was no polite man) demanded the Seal of *him*, which he had not thought of putting out of his own hands, he answered him, 'That he would not deliver it into any hands but the king's;' but presently recollecting himself, and looking over his letter again, he quickly considered, that it would be hazardous to carry the Seal himself such a journey; and that if by any pursuit of him, which he could not but suspect, he should be seized upon, the king would be very unhappily disappointed of the Seal, which he had reason so much to depend upon; and that his misfortune would be wholly imputed to his own fault and infidelity; (which, without doubt, he abhorred with his heart) and the only way to prevent that mischief, or to appear innocent under it, was to deliver the Seal to the person trusted by the king himself

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to receive it; and so, without telling him any thing of his own purpose, he delivered the Seal into his hands; who forthwith put himself on his horse, and, with wonderful expedition, presented the Great Seal into his majesty's own hands, who was infinitely pleased both with it and the messenger.* The lord keeper, that evening, pretended to be indisposed, and that he would take his rest early, and therefore ordered, that nobody should be admitted to speak with him; he then called serjeant Lee to him, who was the serjeant that waited upon the Seal, and in whom he had great confidence, and told him freely, 'That he was resolved, the next morning, to go to the king, who had sent for him; that he knew well how much malice he should contract by it from the parliament, which would use all the means they could to apprehend him; and he himself knew not how he should perform the journey, therefore he put himself intirely into his hands; that he should cause his horses to be ready against the next morning, and only his own groom to attend them, and he to guide the best way; and that he would not impart it to any other person.' The honest serjeant was very glad of the resolution, and cheerfully undertook all things for the journey; and so sending the horses out of town, the keeper put himself in his coach very early the next morning; and as soon as they were out of the town, he and the serjeant, and one groom, took their horses, and made so great a journey that day, it being about the beginning of June,† that, before the end of the third day, he kissed the king's hand at York. He had purposely procured the house of peers to be adjourned to a later hour, in the morning for Monday, than it used to be. Sunday passed without any man's taking notice of the keeper's being absent; and many, who knew he was not at his house, thought he had been gone to Cranford, to his country house, whither he frequently went on Saturday nights, and was early enough at the parliament on Monday mornings; and so the lords the more willingly consented to the later adjournments for those days."

The Lords appoint a Committee to consider of an Accommodation with the King.] The lord-keeper's unexpected conduct occasioned, as lord Clarendon adds, "so great a dejection in the house of lords, that, upon the news thereof, the earl of Northumberland, who had been of another temper, moved, That a Committee might be appointed, to consider how there might be an Accommodation between the king and his people, for the good, happiness and safety of both king and kingdom." A Committee was appointed accordingly; and, upon that occasion,

The E. of Bristol's Speech thereupon.] The earl of *Bristol* made the following speech: * "My lords; I have spoken so often upon the subject of Accommodation, with so little acceptance, and with so ill success, that it was in my intention not to have made any further essay in this kind; but my zeal to the peace and happiness of this kingdom, and my apprehensions of the near approach of unspeakable miseries and calamities, suffer me not to be master of mine own resolution. —Certainly this kingdom hath, at all times, many advantages over the other monarchies of Europe; as, of situation, of plenty, of rich commodities; of power both by sea and land: but more particularly at this time, when all our neighbouring states are, by their several interests, so involved in war, and with such equality of power that there is not much likelihood of their mastering one another, nor of having their differences easily compounded; and thereby, we alone being admitted to trade to all places, wealth and plenty, which ever follow where trade flourisheth, are in a manner cast upon us.—I shall not trouble your lordships by putting you in mind of the great and noble undertakings of our ancestors; nor shall I pass higher than the times within mine own remembrance. Queen Elizabeth was a princess disadvantaged by her sex, by her age, and chiefly by her want of issue; yet if we shall consider the great effects wrought upon most of the states of Christendom by this nation, under her prudent government (the growth of the monarchy of Spain chiefly by her impeached; the United Provinces by her protected; the French in their greatest miseries relieved; most of the princes of Germany kept in high respect and reverence towards her and this kingdom; and the peace and tranquillity wherein this kingdom flourished, and which hath been continued down unto us by the peaceable government of king James, of blessed memory, and of his now majesty, until these late unhappy interruptions) we cannot

* Mr. Rushworth adds this remarkable circumstance relating to the carrying off the Great Seal: "In Mr. Elliott's passage towards York, the Author of the Collections met him at Witham, a post stage between Grantham and Stamford, who, with a fall off his horse, had hurt his shoulder; and seeing the Author, his old acquaintance, demanded, What News? (thinking he had been sent after him by the parliament to recover the Great Seal) To which he replied to Mr. Elliott, (not imagining he had then with him the Great Seal) 'That he came from York; that the king was well; and that he was going with letters from the committee of parliament at York, to both houses, wherein some Answers from the king were inclosed to the parliament.' To which Mr. Elliot, replied, 'It was fit the author should make haste; and therefore,' said he, 'take my horses which are ready saddled,' fearing lest the Author should raise the country against him; so we parted at that time."

† By the Lords Journals it must have been the 22d of May.

* From the original edition, printed by I. Smith and A. Coe.

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but judge this nation equally capable, with any other, of honour, happiness, and plenty.—Now if, instead of this happy condition, in which we have been, and might be, upon a sober and impartial inquiry we shall find ourselves to have been, for some few years last past, involved in so many troubles and distractions, and at the present to be reduced to the very brink of miseries and calamities; it is high time for us to consider by what means we have been brought into them, and by what means it is most probable we may be brought out of them.—This kingdom never enjoyed so universal a peace, neither hath it any visible enemy in the whole world, either infidel or Christian; our enemies are only of our own house, such as our own dissentions, jealousies, and distractions have raised up: and certainly where they are found, especially betwixt a king and his people, no other cause of the unhappiness and misery of a state need to be sought after; for civil discord is a plentiful source, from whence all miseries and mischiefs flow. The scripture telleth us of the strength of a little city united, and of the instability of a kingdom divided within itself: so that, upon a prudent enquiry, we may assign our own jealousies and discords for the chief cause of our past and present troubles, and of our future fears. It must be confessed, that, by the counsel and conduct of evil ministers, the subjects had cause to think their just liberties invaded; and from thence have our former distempers grown: for it is in the body politic of a monarchy, as in the natural body, the health whereof is defined to be, 'Partium corporis æqua temperies,' an equal temper of the parts: so likewise a state is well in health and well disposed, when sovereign power and common right are equally balanced, and kept in even temper, by just and equitable rules.—And truly, my lords, by the goodness of his majesty, and by the prudent endeavour of the parliament, this state is almost reduced to that equal and even temper; and our sickness is rather continued out of fancy and conceit, (I mean fears and jealousies) than out of any real distempers. I well remember, that, before the beginning of this parliament, some noble lords presented a Petition unto the king; and in that petition did set down all or most of the Grievances and distempers of the kingdom which then occurred to them. To these, as I conceive, the parliament have procured, from his majesty, such redresses as are to their good satisfaction. Many other things for the ease, security, and comfort of the subject, have been, by their great industry, found and propounded; and, by his majesty's goodness, condescended unto. And now we are come so near the happiness of being the most free and most settled nation in the Christian world, our dangers and miseries will grow, every day, greater and nearer, if not speedily prevented. The king, on his part, offereth to concur with us in the settling all the libeties and immunities, either for the property of our goods or liberty of our persons, which we have received from our ancestors, or which himself hath granted unto us; and as to what shall yet remain for the good and comfort of his subjects, he is willing to hearken to all our just and reasonable propositions; and for the establishing the true Protestant religion, he wooes us to it; and the wisdom and industry of the parliament hath now put it in a hopeful way. The rule of his government, he professeth, shall be the laws of the kingdom; and, for the comforting and securing of us, he offereth a much more large and more general pardon than hath been granted by any of his predecessors. And truly, my lords, this is all that ever was, or can be, pretended unto by us. We, on the other side, make profession, That we intend to make his majesty a glorious king; to endeavour to support his dignity; and to pay unto him that duty and obedience, which, by our allegiance, several oaths, and late Protestations, we owe unto him, and to maintain all his just regalities and prerogatives; which I conceive to be as much as his majesty will expect from us.—So that, my lords, we being both, thus reciprocally, agreed of that which in general would make both king and people happy, shall be most unfortunate, if we shall not bring both inclinations and endeavours so to propound and settle particulars, as both king and people may know what will give them mutual satisfaction; which certainly must be the first step towards the settling of a right understanding betwixt them. And in this I should not conceive any great difficulty, if it were once put into a way of preparation. But the greatest difficulty may seem to be, How that which may be settled and agreed upon may be secured? This is commonly the last point in treaties betwixt princes, and of the greatest niceness; but much more betwixt a king and his subjects, where that confidence and belief which should be betwixt them is once lost: and, to speak clearly, I fear that this may be our case, and herein may consist the chiefest difficulty of accommodation? for it is much easier to compose differences arising from reason, yea, even from wrongs, than it is to satisfy jealousies; which, arising out of diffidence and distrust, grow and are varied upon every occasion.—But, my lords, if there be no endeavours to allay and remove them, they will every day increase and gather strength; nay, they are already grown to that height, and the mutual replies to those direct terms of opposition, that if we make not a present stop, it is to be feared it will speedily pass further than verbal contestations. I observe, in some of his majesty's Answers, a Civil War spoken of: I confess it is a word of horror to me, who have been an eye-witness of those inexpressible calamities that, in a short time, the most plentiful and flourishing countries of Europe have been brought into by an intestine war. I further observe, 'That his majesty protesteth against the miseries that may ensue by a war, and that he is clear of them.' It is true that a protestation

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of that kind is no actual denouncing of war, but it is the very next degree to it; ultima admonitio, as the civilians term it, the last admonition: so that we are upon the very brink of our miseries. It is better keeping out of them than getting out of them; and, in a state, the wisdom of prevention is infinitely beyond the wisdom of remedies. If, for the sins of this nation, these misunderstandings should produce the least act of hostility, it is not almost to be believed how impossible it were to put any stay to our miseries: for a civil war admits of none of those conditions of quarter, by which cruelty and blood are, amongst other enemies, kept from extremities: nay, if it should but so happen, which God of his goodness avert, that, mutually, forces and armies should be raised, jealousies and fears would be so much increased thereby, that any accommodation would be rendered full of difficulty and length; and the very charge of maintaining them (whilst first a cessation of arms, and then a general accommodation were in treating) would consume the wealth of the kingdom.—And of this we had lately a costly example: for in those unhappy times, betwixt us and Scotland, after there was a stop made to any further acts of hostility, and a desire of peace expressed on both sides; commissioners nominated, and all the articles propounded; yet the keeping of the armies together for our several securities, whilst the cessation at Rippon and the peace at London were in treating, cost this kingdom not much less than a million of pounds. And if two armies be once on foot here in England, either a sudden encounter must destroy one of them, or the keeping of them both on foot must destroy the kingdom.—I hope, therefore, we shall make it our endeavour, by moderation and calmness, yet to put a stay to our so near approaching miseries; and that we shall hearken to the wise advice of our brethren of Scotland, in their late Answer to the king and parliament, (p. 1217); wherein they earnestly intreat us, 'That all means may be forborne which may make the breach wider, and the wound deeper; and that no place be given to the evil spirit of division, which at such times worketh incessantly, and resteth not; but the fairest, the most Christian, and compendious way may be taken by so wise a king and parliament, as may, against all malice and opposition, make his maj. and posterity more glorious, and his kingdoms more happy than ever.' And, in another place they say, 'That since this parliament hath thought meet to draw the practice of the parliament of Scotland into example, in the point of their Declaration, they are confident that the affection of this parliament will lead them, also, to the practice of that kingdom in composing the unhappy differences betwixt his majesty and them; and (so far as may consist with their religion, liberties, and laws) in giving his maj. all satisfaction, especially in their tender care of his royal person, of his princely greatness and authority, and the prosperity of the kingdom.'—Certainly, my lords, this is wise and brotherly advice, and I doubt not but we are all desirous to follow it. We must not then still dwell upon generals, for generals produce nothing; but we must put this business into a certain way, whereby particulars may be descended unto; and the way that I shall offer, with all humility, is, That there may be a select Committee of choice persons of both houses, who may, in the first place, truly state and set down all things in difference betwixt the king and the subject, with the most probable ways of reconciling them. Secondly, To descend unto the particulars which may be expected by each from other, either in point of our supporting of him, or his relieving of us. And, lastly, How all these conditions, being agreed upon, may be so secured as may stand with the honour of his majesty and the satisfaction of the subject.—When such a committee shall have drawn up the heads of the Propositions, and the way of securing them, they may be presented unto the houses; and so offered unto his majesty, by such a way as the parliament shall judge most probable to produce an Accommodation.—My lords, what I have yet said unto you, hath been chiefly grounded upon the apprehensions and fears of our future dangers. I shall say something of the unhappiness of our present state, which certainly standeth in as much need of relief and remedy, as our fears do of prevention; for although the king and people were fully united, and that all men who now draw several ways, should unanimously set their hand to the work, yet they would find it no easy task to restore this kingdom to a prosperous and comfortable condition: if we take into our consideration the deplorable state of Ireland, likely to drain this kingdom of men and treasure; if we consider the debts and necessity of the crown, the engagements of the kingdom, and the great and unusual contributions of the people; which last, although they may not be so much to their discontent, for that they have been legally raised, yet the burden hath not been much eased. Let us likewise consider the distractions (I may almost call them confusions) in point of religion; which, of all other distempers, are the most dangerous and destructive to the peace of a state.—Besides these public calamities, let every particular man consider the distracted and uncomfortable state of his own condition; for mine own part, I must ingeniously confess unto your lordships, that I cannot find out, under the different commands of the king and the parliament, any such course of caution and wariness, by which I can promise to myself security or safety. I could give your lordships many instances of the inconsistency and impossibility of obeying these commands; but I shall trouble you only with one or two. The Ordinance of parliament, now in so great agitation, commandeth all persons in authority to put it in execution, and all others to obey it according to the fundamental laws of the land: the king declareth

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it to be contrary to the fundamental laws, against the liberty of the subject and rights of parliament; and commandeth all his subjects, of what degree soever, upon their allegiance, not to obey the said Ordinance, as they will answer the contrary at their perils.—So likewise, in point of the king's commanding the attendance of divers of us upon his person, whereunto we are obliged by several relations of our services and oaths: in case we comply not with his commands, we are liable to his displeasure, and the loss of those places of honour and trust which we hold under him: if we obey his commands without the leave of the parliament, which hath not been always granted, we are liable to the censure of parliament: and of both these we want not fresh examples; so that, certainly, this cannot but be acknowledged to be an unhappy and uncomfortable condition.—I am sure I bring with me a ready and obedient heart, to pay unto the king all those duties of loyalty, allegiance, and obedience which I owe unto him: and I shall never be wanting towards the parliament, to pay unto it all those due rights and that obedience which we all owe unto it; but, in contrary commands, a conformity of obedience to both is hardly to be lighted on. The reconciliation must be in the commanders and the commands, and not in the obedience or the person that is to obey, and therefore, until it shall please God to bless us with a right understanding betwixt the king and parliament, and a conformity in their commands, neither the kingdom in public, nor particular men in private, can be reduced to a safe or comfortable condition.—I have said thus much to give occasion to others to offer likewise their opinions; for if we shall sit still, and nothing tending to the stay of the unhappy misunderstanding betwixt the king and his people, be propounded, it is to be feared that our miseries will hasten so fast upon us, that the season and opportunity of applying remedies may be past. I have herein discharged my conscience suitable to that duty which I owe to the king my sovereign and master, and suitable to that zeal and affection which I shall ever pay to the happiness and prosperity of the kingdom; towards which I shall ever faithfully contribute my humble prayers and honest endeavours; and I shall no way doubt, whatsoever success this my proposition may have, it will be accompanied with the good wishes of your lordships, and of all peaceable and well-minded men."

But we find no report entered in the Lords' Journals from the before-mentioned committee, notwithstanding this speech for an Accommodation.

Order of both Houses for dispersing their Votes, &c.] May 24. The commons sent up an Ordinance, to which they desired the lords concurrence, for giving power to their committee at York to command the lord mayor and sheriffs of that city, and all sorts of head constables and petty constables under them, to take all Orders, Votes and Declarations of parliament from the committee, and see them circulated through their several districts. Likewise, That the said lord mayor, &c. should publish in all market towns, that the Trained Bands ought not to rise, or be called together, by any personal command of the king; but that, as affairs then stood, such commands were against law, tending to the great disturbance and danger of the kingdom. Declaring an amnesty to such as should not obey, and punishment to those that did, &c. Which Ordinance was agreed to by the lords.

The Commons appoint Commissioners to assist sir J. Hotham at Hull, and consider of Ways to raise Money.] At the same time sir Wm. Strickland, Mr. Alured, Mr Wharton, sir Wm. Airmyn, Mr. John Hotham, Mr. H. Darley, and Mr. Peregrine Pelham, all members of the house of commons, were appointed commissioners to go down to Hull, to be assistants to the governor thereof, upon such orders and directions as they should receive from both houses. And sir Edw. Ayscough, sir John Wray, sir Wm. Airmyn, Mr. Hatcher, and Mr. Broxholm, were sent into Lincolnshire, to preserve the peace of that county.

For several days last past the commons had been busy in raising Money, and this day a committee of their house was appointed on their vote, That the king, seduced by evil counsel, did intend to levy war upon his parliament, to consider how a stock of Money, or any other means, may be provided for the better defence of his majesty's person, the parliament, and the public peace of the kingdom, against any such force.

This extraordinary diligence of the parliament seems to have been owing to the frequent desertions from that body; for, lord Clarendon informs us, That the number of members of both houses, that resorted to the king at York about this time, increased daily; and particularly those of the lords: That his maj. called all the peers to council, communicating to them all such Declarations as he thought fit to publish in Answer to those of the parliament; and all Messages and whatever else was necessary to be done for the improvement of his condition: and, having now the Great Seal with him, issued such Proclamations as were seasonable for the preservation of the peace.

The King's Answer to the Parliament's Declaration of the 19th of May.] And first he published the following Answer to the Parliament's Declaration of the 19th of this month:

"If we could be weary of taking any pains for the satisfaction of our people, and to undeceive them of those specious mischievous infusions, which are daily instilled into them, to shake and corrupt their loyalty and affection to us and our government; after so full and ample Declaration of ourself and our intentions, and so fair and satisfactory Answers to all such matters as have been objected to us, by a major part present of both houses of parliament, we might well give over this labour of our pen;

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and sit still till it shall please God so to enlighten the affections and understandings of our good subjects on our behalf, (which we doubt not but that, in his good time he will do) that they may see our sufferings are their sufferings: but since (instead of applying themselves to the method proposed by us, 'of making such solid particular Propositions as might establish a good understanding betwen us, or of following the advice of our council of Scotland, (with whom they communicate their affairs) in forbearing all means that may make the breach wider and wound deeper') they have chosen to pursue us with new reproaches, or rather to continue and improve the old: by adding and varying little circumstances and language, in matters formerly urged by them, and fully answered by us, we prevailed with ourself, upon very mature and particular consideration of it, to answer the late Printed Book intitled, 'A Declaration, or Remonstrance, of the Lords and Commons,' which was ordered, the 19th of this instant May, to be printed and published, hoping then that they would not put us to any more of this trouble; but that this would have been the last of such a nature, they would have communicated to our people; and that they would not, as they have done since, thought fit to assault us with a newer Declaration,* indeed of a very new nature and learning, which must have another Answer. And we doubt not but that our good subjects, in a short time, will be so well instructed in the differences and mistakings between us, that they will plainly discern, without resigning their reason and understanding to our prerogative, or the infallibility of a now major part of both houses of parliament infected by a few malignant spirits, where the fault is.—Though we shall, with humility and alacrity, be always forward to acknowledge the infinite mercy and providence of Almighty God vouchsafed so many several ways to ourself and this nation; yet since God himself doth not allow that we should fancy and create dangers to ourself, that we might manifest and publish his mercy in our deliverance, we must profess we do not know those Deliverances, mentioned in the beginning of that Declaration, 'from so many wicked plots and designs, since the beginning of this parliament; which if they had taken effect, would have brought ruin and destruction upon this kingdom.' We well know the great labour and skill that hath been used, to amaze and affright our good subjects with fears and apprehensions of plots and conspiracies; the several pamphlets published, and letters scattered up and down, full of such ridiculous contemptible animadversions to that purpose; as though they found, for what end God knows, very unusual countenance, no sober man would be moved with them: but we must confess, we have never been able to inform ourself of any such 'Pernicious formed design against the peace of this kingdom, since the beginning of this parliament,' as is mentioned in that Declaration, or that might be any warrant to those great fears both our houses of parliament seemed to be transported with; but we have great cause to believe more mischief and danger hath been raised and begotten to the disturbance of this kingdom, than cured or prevented by those fears and jealousies: and therefore, however the rumour and discourse of plots and conspiracies may have been necessary to the designs of particular men, they shall do well not to pay any false devotions to Almighty God, who discerns whether our dangers are real or pretended.—For the 'bringing up the Army to London;' as we have heretofore, by no other dircetion than the testimony of a good conscience, called God to witness, 'We never had, or knew of any such resolution;' so, upon the view of the Depositions now published with that Declaration, it is not evident to us there was ever such a design, unless every loose discourse or argument be instance enough of such a design; and it is apparent, that what was said of it, was near three months before the discovery to both houses of parliament; so that if there were any danger threatened that way, it vanished, without any resistance or prevention by the wisdom, power, or authority of them.—It seems the intention of that Declaration, whatsoever other end it hath, is to 'answer a Declaration they received from us, in Answer to that which was presented to us at Newmarket the 9th of March last, and likewise to our answer to the Petition of both houses, presented to us at York the 26th of March last. But before that Declaration falls upon any particulars of our said Declaration or Answer, it complains, 'That the heads of the Malignant Party have, with much art and industry, advised us to suffer divers unjust scandals and imputations upon the parliament, to be published in our name, whereby they might make it odious to the people, and, by their help, destroy it:' but not instancing in any one scandal or imputation so published by us, we are still to seek for the heads of that Malignant Party. But our good subjects will easily understand, That if we were guilty of that aspersion, we must not only be active in raising the scandal, but passive in the mischief begotten by that scandal, we being an essential part of the parliament: and we hope the just defence of ourself and our authority, and the necessary vindication of our innocence and justice, from the imputation laid on us by a major part, then present of either, or both houses, shall no more be called a 'Scandal upon the parliament,' than the opinion of such a part be reputed 'an act of parliament.' And we hope our good subjects will not be long misled by that common expression in all the Declarations, wherein they usurp the word 'Parliament,' and apply it to countenance any Resolution or Vote which some few have

* The Parliament's Declaration of the 26th of May was printed and published before the King's Answer came out to that of the 19th.

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mind to make, by calling it, 'The Resolution of Parliament; which can never be without our consent: neither can the Vote of either, or both houses, make a greater alteration in the laws of this kingdom, so solemnly made by the advice of their predecessors with the concurrence of us and our ancestors, either by commanding or inhibiting any thing, besides the known rule of the law, than our single direction or mandate can do, to which we do not ascribe such authority.—But that Declaration informs our people, 'That the Malignant Party hath drawn us into the Northern parts far from our parliament.' It might more truly and properly have said, That it hath driven, than drawn, us hither. For we confess our journey hither, (for which we have no other reason to be sorry, than with reference to the cause of it) was only forced upon us by the true Malignant Party, which contrived and countenanced those barbarous tumults and other seditious circumstances, of which we have so often complained, and hereafter shall say more; and which indeed threatens so much danger to our person, and laid so much scandal upon the whole Privilege and Dignity of Parliament, that we wonder it can be mentioned without blushes or indignation: but of that anon. But why the Malignant Party should be charged with causing a Press to be transported to York, we cannot imagine; neither have any papers or writings issued from thence, to our knowledge, but what have been extorted from us by such provocations, as have not been before offered to a king. And no doubt it will appear a most trivial and fond exception, when all presses are open to vent whatsoever they think fit to say to the people, (a thing unwarranted by former custom) that we should not make use of all lawful means to publish our just and necessary Answers thereunto. As for the authority of the Great Seal, though we do not know that it hath been necessary to things of this nature, the same shall be more frequently used hereafter, as occasion shall require; to which we make no doubt the greater and better part of our privy council will concur, and whose advice we are resolved to follow, as far as shall be agreeable to the good and welfare of the kingdom.—Before that Declaration vouchsafes to insist on any particulars, it is pleased to censure both our Declaration and Answer, to be 'filled with harsh censures, and causeless charges upon the parliament,' (still misapplying the word 'parliament' to the Vote of both houses) concerning which they resolve to give satisfaction to the kingdom, since they find it very difficult to satisfy us.' If, as in the usage of the word parliament, they have left us out of their thoughts; so, by the word 'kingdom,' they intend to exclude all our people who are out of their walls, (for that's grown another phrase of the times, the Vote of the major part of both houses, and sometimes of one, is now called, 'The Resolution of the whole kingdom') we believe it may not be hard to give satisfaction to themselves; otherwise we are confident (and our confidence proceeds from the uprightness of our own conscience) they will never be able so to sever the affections of us and our kingdom, that what cannot be satisfaction to the one, shall be to the other. Neither will the style of 'Humble and Faithful,' and telling us, 'That they will make us a great and glorious king,' in their Petitions and Remonstrances, so deceive our good subjects, that they will pass over the reproaches, threats, and menaces they are stuffed with; which sure could not be more gently reprehended by us, than by saying, 'Their expressions were different from the usual language to princes;' which that Declaration tells you, 'we had no occasion to say.' But we believe, whosoever looks over that Declaration presented to us at Newmarket, to which ours was an Answer, will find the language throughout it to be so unusual, that, before this parliament, it could never be paralleled; whilst, under pretence of justifying their fears, they give so much countenance to the discourse of the rebels of Ireland, as if they had a mind our good subjects should give credit to it: otherwise, being warranted by the same evidence, which they have since published, they would have as well declared, 'That those rebels publickly threaten the rooting out the name of the English, and that they will have a king of their own, and no longer be governed by us;' as that they say, 'That they do nothing but by our authority, and that they call themselves, The Queen's Army.' And therefore we have great reason to complain of the absence of justice and integrity in that Declaration, besides the unfitness of other expressions.—Neither did we mistake the substance or logic of the Message to us at Theobald's, concerning the Militia; which was no other, and is stated to be no other (even by that Declaration which reproved us) than a plain threat, 'That if we refused to join with them, they would make a law without us: nor hath the practice since that time been other, which will never be justified to the most ordinary (if not partial) understandings, by the mere averring it to be 'according to the fundamental laws of this kingdom,' without giving any direction, *that* the most cunning and learned men *in the* laws may be able to find those foundations. And we must appeal to all the world, whether they might not, with as much justice, and by as much law, have seized upon the estate of every member of both houses, who dissented from that pretended Ordinance, (which much the major part of the house of peers did two or three several times) as they have invaded that power of ours over the Militia, because we (upon reasons they have not so much as pretended to answer) refused to consent to that Proposition.—And if no better effects than 'loss of time and hinderance of public affairs have been found by our Answers and Replies,' let all good men judge, by whose default, and whose want of duty, such effects have been: For as our end (indeed

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only end) in those Answers and Replies, hath been the settlement and composure of public affairs, so we are assured, and most men do believe, That if that due regard and reverence had been given to our words, and that consent and obedience to our counsels, which we did expect, there had been, before this time, a chearful calm upon the face of the whole kingdom; every man enjoying his own, with all possible peace and security that can be imagined; which surely those men do not desire, who (after all those acts of justice and favour passed by us this parliament, all those affronts and sufferings endured and undergone by us) think fit still to reproach us with Ship-Money, Coat and Conduct-Money, and other things so abundantly declared (as that Declaration itself confesses) in the General Remonstrance of the State of the Kingdom, passed in November last;* which we wonder to find now avowed to be the Remonstrance of both houses; and which we assure was presented to us by the house of commons only, and did never pass, and we are confident at that time could never have passed, the house of peers; the concurrence and authority of which was not then thought necessary. Shall we believe those reproaches to be the voice of the kingdom of England? That all our loving subjects, eased, refreshed, strengthened, and abundantly satisfied with our acts of grace and favour towards them, are willing to be involved in these unthankful expressions? We must appeal to the Thanks and Acknowledgements published in the Petitions of most of the counties of England; to the testimony and thanks we have received from both houses of parliament, how seasonable, how agreeable, this usage of us is to our merit or their former expressions.—We have not at all swerved or departed from our resolution, or words, in the beginning of this parliament. We said, 'We were resolved to put ourself, freely and clearly, upon the love and affection of our English subjects:' and we say so still, as far as concerns England. And we call Almighty God to witness, that all our complaints and jealousies, which have never been causeless, were not against our houses of parliament, but some few schismatical, factious, and ambitious spirits; and upon grounds, as short time, we fear, will justify to the world. Our Denial of the Militia, and our Absenting ourself from London, have been the effects of an upright and faithful affection to our English subjects, that we may be able (through all the inconveniences we are compelled to wrestle with) at last to preserve and restore their religion, laws and liberties unto them.—Since the proceedings against the lord Kimbolton and the 5 Members is still looked upon, and so often pressed, as so great an advantage against us, that no Retraction made by us, nor no actions since that time committed against us and the law of the land, under pretence of vindication of Privilege, can satisfy the contrivers of that Declaration: but that they would have our good subjects believe, the accusation of those six Members must be a plot for the breaking the neck of the parliament; (a strange arrogance, if any of those members had the penning of that Declaration) and that it is so often urged against us, as if, by that single casual mistake of ours, in form only, we had forfeited all duty, credit, and allegiance from our people; we must without endeavouring to excuse that, (which in truth was an error, our going to the house of commons) give our people a clear and full Narration of the matter of fact; assuring ourself that our good subjects will not find our carriage in that business such as hath been reported.—When we resolved, upon such grounds, as, when they shall be published, will satisfy the world, That it was fit for our own safety and honour, and the peace of the kingdom, to proceed against those persons, though we well know there was no degree of privilege in that case; yet, to shew our desire of correspondence with the two houses of parliament, we chose, rather than to apprehend their persons by the ordinary ministers of justice, (which, according to the opinion and practice of former times, we might have done) to command our Attorney General to acquaint our house of peers with our intention, and the general matters of our charge, (which was yet more particular than a mere accusation) and to proceed accordingly; and, at the same time, sent a sworn servant, a serjeant at arms, to our house of commons, to acquaint them, That we did accuse, and intended to prosecute, the 5 Members of that house, for high treason; and did require that their persons might be secured in custody: This we did, not only to shew that we intended not to violate or invade their privileges, but to use more ceremony towards them, than we then conceived, in justice, might be required of us; and expected at least such an Answer as might inform us, if we were out of the way; but we received none at all; only, in the instant, without offering any thing of their privileges to our consideration, an Order was made, and the same night published in print, 'That if any person whatsoever should offer to arrest the person of any member of that house, without first acquainting that house therewith, and receiving further order from that house, that it should be lawful for such members, or any person, to resist them, and to stand upon his or their guard of defence, and to make resistance, according to the Protestation taken to defend the privileges of parliament:' and this was the first time that we heard the Protestation might be wrested to such a sense; or that, in any case, though of the most undoubted and unquestionable privilege, it might be lawful for any person to resist, and use violence against a public minister of justice, armed with lawful authority; though we well knew, that even such a minister might be punished for executing such authority. Upon viewing this

* This Remonstrance, with the Debate thereon, will be found at p. 937.

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Order we must confess we were somewhat amazed, having never seen or heard of the like, though we had known members of either house committed without so much formality as we had used, and upon crimes of a far inferior nature to those we had suggested; and having no course proposed to us for our proceeding, we were upon the matter only told, 'That against those persons we were not to proceed at all; that they were above our reach, or the reach of the law,' it was not then easy for us to resolve what to do: If we employed our ministers of justice in the usual way for their apprehension, (who, without doubt, would not have refused to execute our lawful commands) we saw what resistance and opposition was like to be made, which, very probably, might have cost some blood; if we sat still and desisted upon this terror, we should, at the best have confessed our own want of power, and the weakness of the law: In this strait we put on a sudden resolution, to try whether our own presence, and a clear discovery of our intentions (which haply might not have been so well understood) could remove those doubts, and prevent those inconveniences which seemed to have been threatened; and, thereupon, we resolved to go in our own person to our house of commons, which we discovered not till the very minute of our going, when we sent out orders, That our servants, and such gentlemen as were then in our court, should attend us to Westminster; but giving them express command (as we have asserted in our Answer to the Ordinance) That no accidents or provocation should draw them to any such action as might imply a purpose of force in us; and ourself (requiring those of our train not to come within the door) went into the house of commons; the bare doing of which, we did not then conceive would have been thought more a breach of privilege, than if we had gone to the house of peers, and sent for them to come to us, which is the usual custom. We used the best expressions we could to assure them how far we were from any intention of violating their privileges; that we intended to proceed legally and speedily against the persons we had accused; and desired, therefore, if they were in the house, that they might be delivered to us, or, if absent, that such course might be taken for their forthcoming as might satisfy our just demands; and so we departed, having no other purpose of force, if they had been in the house, than we have before protested before God, in our Answer to the Ordinance. You have an account of our part of this story fully, let our people judge freely of it: What followed on their part, (though this Declaration tells you, 'It could not withdraw any part of their reverence and obedience from us;' it may be any part of theirs it did not) we shall have too much cause hereafter to inform the world.—There will be no end of the discourse of upbraiding us with evil Counsellors, if, upon our constant denial of knowing any, they will not vouchsafe to inform us of them; and after 8 months amusing the kingdom with the expectation of a discovery of a Malignant Party, and of evil Counsellors, they will not at last name any, nor describe them: let the actions and lives of men be examined, who have contrived, counselled, actually consented to grieve and burden our people; and if such be about us, or any against whom any notorious malicious crime can be proved, if we shelter and protect any such, let our injustice be published to the world; but till that be done, particularly and manifestly, (for we shall never conclude any man, upon a bare general Vote of the major part, of either, or both houses, till it be evident that major part be without passion or affection) we must look upon the charge this Declaration puts on us, 'of cherishing and countenancing a discontented party of the kingdom against them,' as a heavier and unjuster tax upon our justice and honour, than any we have or can lay upon the framers of that Declaration.—And now, to countenance those unhandsome expressions, whereby usually they have implied our connivance at, or want of zeal against the Rebellion of Ireland, so odious to all good men, they have found a new way of exprobration; 'That the Proclamation against those bloody traitors came not out till the beginning of January, though that Rebellion broke out in October; and then, by special command from us, but 40 copies were appointed to be printed.' It is well known where we were at that time, when that Rebellion broke forth, in Scotland: that we, immediately from thence, recommended the care of that business to both houses of parliament here, after we had provided for all fitting supplies from our kingdom of Scotland: that after our return hither we observed all those forms for that service, which we were advised to by our council of Ireland, or both houses of parliament here: and if no Proclamation issued out sooner, (of which for the present we are not certain; but think that others before that time were issued by our directions) it was, because the lords justices of the kingdom desired them no sooner; and when they did, the number they desired was but 20, which they advised might be signed by us; which we, for expedition of the service, commanded to be printed, a circumstance not required by them; thereupon we signed more of them than our justices desired: all which was very well known to some members of one or both houses of parliament, who have the more to answer for, if they forbore to express it at the passing of this Declaration; and if they did express it, we have the greater reason to complain that so envious an aspersion should be cast on us to our people, when they knew well how to answer their own objection.—What that 'Complaint is against the parliament, put forth in our name, which is such an evidence and countenance to the rebels, and speaks the same language of the parliament, which the rebels do,' we cannot understand. All our Answers and Declarations

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have been, and are, owned by us, and have been attested under our own hand: if any other had been published in our name, and without our authority, it would be easy for both houses of parliament to discover and apprehend the authors: and we wish, that whosoever was trusted with the drawing and penning of that Declaration, had no more authority or cunning to impose upon, or deceive, a major part of those Votes by which it passed, than any man hath to prevail with us to publish, in our name, any thing but the sense and resolution of our own heart; or that the contriver of that Declaration could, with as good a conscience, call God to witness, That all his counsels and endeavours have been free from all private aims, personal respects, or passions whatsoever, as we have done, and do, That we never had, or knew of, any Resolution of bringing up the army to London. And since this new device is found out, instead of answering our Reasons, or satisfying our just demands, to blast our Declarations and Answers, as if they were not our own, a bold senseless imputation; we are sure that every Answer and Declaration published by us, is much more our own, than any one of those bold, threatening and reproachful Petitions and Remonstrances are the acts of either or both houses. And if the penner of that Declaration had been careful of the trust reposed in him, he would never have denied, (and thereupon found fault with our just indignation) in the text or margin, 'That we had never been charged with the intention of any force, and that in their whole Declaration there is no word tending to such a reproach;' the contrary whereof is so evident, that we are, in express terms, charged in that Declaration, 'That we sent them gracious Messages, when, with our privity, the bringing up the army was in agitation.' And even in this Declaration they seek to make our people believe some such thing to be proved in the Depositions now published; wherein, we doubt not, they will as much fail, as they do in their censure of that Petition shewed formerly to us by captain Legge, and subscribed by us with C. R. which, notwithstanding our full and particular Narration of the substance of that Petition, the circumstances of our seeing and approving it, this Declaration is pleased to say, 'Was full of scandal to the parliament, and might have proved dangerous to the whole kingdom.' If they have this dangerous Petition in their hands, we have no reason to believe any tenderness to us-ward hath kept them from communicating it: if they have it not, we ought to have been believed. But that all good people may compute their other pretended dangers by their clear understanding of this, (the noise whereof hath not been inferior to any of the rest) we have recovered a true copy of the very Petition we signed with C. R. which shall, in fit time, be published; and which, we hope, will open the eyes of our good people.—Concerning our Warrant for Mr. Jermin's passage, our Answer was true and full; but for his black sattin suit, and white boots, we can give no account.—We complained in our Declaration, and as often as we have occasion to mention our Return and Residence near London, we shall complain, of the barbarous and seditious tumults at Westminster and Whitehall; which indeed were so full of scandal to our government, and danger to our person; that we shall never think of our return thither, till we have justice for what is past, and security for the time to come. And if there were so great a necessity, or desire of our return as is pretended, in all this time; upon our so often pressing desires, and upon causes so notorious, we should, at least, have procured some order for the future; But that Declaration tells us, 'We are upon the matter mistaken; the resort of the citizens to Westminster was as lawful, as the resort of great numbers, every day in the term, to the ordinary courts of justice.' They knew no Tumults. Strange! Was the disorderly appearance of so many thousand people, with staves and swords, crying through the streets, Westminster-Hall, and the passage between both houses, in so much as the members could hardly pass to and fro, 'No Bishops' 'Down with the Bishops,' no Tumults? What member is there of either house that saw not those numbers, and heard not those cries? and yet lawful assemblies! Were not several members of either house assaulted, threatened, and ill treated? And yet no Tumults! Why made the house of Peers a Declaration, and sent it down to the house of commons, for suppressing of Tumults, if there were no Tumults? And, if there were any, why not was such a Declaration consented to and published? When the attempts were so visible, and the threats so loud to pull down the Abbey at Westminster, had not we just cause to apprehend, That such people might continue their work to Whitehall? Yet no Tumults! What a strange time are we in, that a few impudent, malicious (to give them no worse term) men should cast such a strange mist of error before the eyes of both houses of parl. as that they either cannot, or will not, see how manifestly they injure themselves, by maintaining these visible untruths? We say no more. By the help of God and the law, we will have justice for those Tumults.—From excepting, (how weightily let every man judge) to what we have said, that Declaration proceeds to censure us for what we have not said, for the 'prudent Omissions' in our Answer: We forbore to say any thing of the 'Words spoken at Kensington, or the Articles against our dearest consort, and of the accusation of the six Members.' Of the last we had spoken often, and we thought enough of the other two; having never accused any, though, God knows, what truth there might be in either, we had no reason to give any particular Answer.—We do not reckon ourself bereaved of any part of our prerogative, which we are pleased freely, for a time, to part with by Bill; yet we must say,

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we expressed a great trust in our two houses of parliament, when we divested ourself of the power of dissolving this parliament; which was a just, necessary, and proper prerogative: but we are glad to hear their Resolution, 'That it shall not encourage them to do any thing which, otherwise, had not been fit to have been done.' If it do, it will be such a breach of trust, as God will require an account for at their hands.—For the Militia; we have said so much of it heretofore, and the point is so well understood by all men, that we will waste no more time in that dispute. We never said, 'There was no such thing as an Ordinance;' (though we know that they have been long disused) 'but that there was never any Ordinance, or can be, without the King's consent; and that is true: and the unnecessary precedent cited in the Declaration, doth not offer to prove the contrary. But enough of that. God and the law must determine that business.—Neither hath this Declaration given us any satisfaction concerning the votes of the 15th and 16th of March last; which we must declare and appeal to all the world, in this point, to be the greatest violation of our privilege, the law of the land, the liberty of the subject, and the right of the parliament, that can be imagined. One of those Votes is, (and there needs no other to destroy the king and people) 'That when the lords and commons' (it is well the commons are admitted to their part in judicature) 'shall declare what the law of the land is, the same must be assented to, and obeyed;' that is the sense in few words. Where is every man's property, every man's liberty? If a major part of both houses declare that the law is, That the younger brother shall inherit, what is become of all the families and estates in the kingdom? If they declare, That by the fundamental law of the land, such a rash action, such an unadvised word, ought to be punished by perpetual imprisonment, is not the liberty of the subject, durante bene placito, remediless; That Declaration confesseth, 'They pretend not to a power of making new laws; that, without us, they cannot do that.' They need no such power, if their Declaration can suspend this Statute from being obeyed or executed, and make this Order, which is no Statute, to be obeyed and executed: If they have power to declare the lord Digby's waiting on us at Hampton-Court, and thence visiting some officers at Kingston, with a coach and six horses, to be levying of war, and high treason; and sir John Hotham's defying us to our face, keeping our town, fort, and goods against us by force of arms, to be an act of affection and loyalty; what needs a power of making new laws? Or is there such a thing as law left? We desire our good subjects to mark the reason and consequence of these Votes; the progress they have already made; and how infinite that progress may be. First, they vote the 'kingdom is in imminent danger' (it is above three months since they discerned it) 'from enemies abroad, and a Popish and discontented party at home:' That is matter of fact. The law follows: This Vote hath given them 'authority by law (the fundamental laws of the kingdom) to order and dispose of the Militia of the kingdom, and, with this power, and to prevent that danger, to enter into our towns, seize upon our Magazine, and by force, keep both from us:' Is not this our case? First, they vote, 'We have an intention to levy war against our parliament;' That is matter of fact: Then they declare such as shall assist us to be guilty of High Treason; that is the law, and proved by two statutes, themselves know to be repealed: No matter for that, they 'declare' it. Upon this ground they exercise the Militia, and so actually do that upon us, which they have 'voted' we intend to do upon them. Who doth not see the confusion that must follow upon such a power of 'declaring?' If they should now 'vote,' That we did not write this Declaration, but that such an one did it; which is still matter of fact; and then 'declare,' That, for so doing, he is an enemy to the common-wealth; what is become of the law that man was born to? And if all their zeal for the defence of the law, be but to defend that which they 'declare' to be law, their own Votes, it will not be in their power to satisfy any man of their good intentions to the public peace, but such who is willing to relinquish his title to Magna Charta, and hold his life and fortune by a Vote of a major part of both houses. In a word; we deny not but they may have power to 'declare' in a particular doubtful case, regularly brought before them, what law is; but to make a general Declaration, whereby the known rule of the law may be crossed or altered, they have no power, nor can exercise any; without bringing the life and liberty of the subject, to a lawless and arbitrary subjection.—We complained (and let the world judge the justice and necessity of that Complaint) of the multitude of seditious Pamphlets and sermons; and that Declaration tells us, 'They know we have ways enough in our ordinary courts of justice to punish these:' So we have to punish Tumults and Riots; and yet they will not serve our turn to keep our towns, our forests, and parks, from violence. And it may be, though those courts have *still* the power to punish, they may have lost *the* skill to define what Riots and Tumults *are*; otherwise a jury in Southwark, legally impanelled to examine a riot there, would not have been superceded, and the sheriff enjoined not to proceed, by virtue of an Order of the house of commons; which it seems, at that time, had the sole power of 'declaring.' But it is no wonder that they, who could not see the Tumults, do not consider the Pamphlets and Sermons; though the author of the 'Protestation protested' be well known to be Burton, that infamous disturber of the peace of this church and state; and that he preached it at Westminster, in the hearing of divers members of the house of commons: but of such Pamphlets and seditious Preachers (divers whereof have been recommended, if not imposed upon seve-

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ral parishes by some members of both houses, by what authority we know not) we shall hereafter take a further account.—We confess we have little skill in the laws, and those that have had most we now find are much to seek; yet we cannot understand or believe, 'That every ordinary court, or any court, hath power to raise what Guard they please, and under what command they please;' neither can we imagine what dangerous effects they found by the guard we appointed them; or, indeed, any the least occasion why they needed a guard at all. —But of all the imputations so causelessly and unjustly laid upon us by that Declaration, we must wonder at that charge, so apparently and evidently untrue, 'That such are continually preferred and countenanced by us, who are friends or favourers of, or related unto, the chief authors or actors of that arbitrary power heretofore practised and complained of: and, on the other side, That such as did appear against it, are daily discountenanced and disgraced.' We would know one person that contributed to the ills of those times, or had dependance upon those that did, whom we do, or lately have countenanced or preferred. Nay, we are confident, (and we look for no other at their hands) as they have been always most eminent assertors of the public liberties, so, if they found us inclined to any thing not agreeable to honour and justice, they would leave us to-morrow: Whether different persons have not and do not receive countenance elsewhere, and upon what grounds, let all men judge; and whether we have not been forward enough to honour and prefer those of the most contrary opinion, how little comfort soever we have had of those preferments; in bestowing of which, hereafter, we shall be more guided by men's actions than opinions; and therefore we had good cause to bestow that Admonition (for we assure you it was an Admonition of our own) upon both our houses of parliament, 'To take heed of inclining, under the specious shews of necessity and danger, to the exercise of such an arbitrary power they before complained of.' The advice will do no harm; and we shall be glad to see it followed.—And are all the specious promises, and loud professions, 'Of making us a great and glorious king; of settling a greater Revenue upon us than any of our ancestors have enjoyed; of making us to be honoured at home, and feared abroad,' resolved into this, 'That they will be ready to settle our Revenue in an honourable proportion, when we shall put ourself in such a posture of government, that our subjects may be secure to enjoy our just protection for their Religion, Laws, and Liberties? What posture of government they intend we know not; nor can we imagine what security our good subjects can desire for their Religion, Laws, and Liberties, which we have not offered, or fully given. And is it suitable to the duty and dignity of both houses of parliament, to answer our particular weighty expressions of the causes of our remove from London (so generally known to the kingdom) with a scoff, 'That they hope we were driven from thence, not by our own fears, but by the fears of the lord Digby and his retinue of cavaliers?' Sure the penner of that Declaration inserted that ungrave and insolent expression (as he hath done divers others) without the consent or examination of both houses, who would not so lightly have departed from their former professions of duty to us.—Whether the Way to a good Understanding between us and our people hath been as zealously pressed by them, as it hath been professed and desired by us, will be easily discerned by those who observe, that we have left no public act undone on our part, which, in the least degree, might be necessary to the peace, plenty, and security of our subjects; and that they have not dispatched one act which hath given the least evidence of their particular affection and kindness to us; but, on the contrary, have discountenanced and hindered the testimony other men would have given us of their affections: witness the stopping and keeping back the bill of Subsidies, granted by the clergy, almost a year since; which, though our personal wants are so notoriously known, they will not, to this time, pass: so not only forbearing to supply us themselves, but keeping the love and bounty of other men from us; and afford no other Answers to all our desires, all our Reasons, (indeed not to be answered) than, 'That we must not make our understanding or reason the rule of our government; but suffer ourself to be assisted' (which we never denied) by our Great Council. 'We require no other liberty to our will, than the meanest of them do, (we wish they would always use that liberty) not to consent to any thing evidently contrary to our conscience and understanding; and we have, and shall always give, as much estimation and regard to the advice and counsel of both our houses of parliament, as ever prince hath done: but we shall never (and we hope our people will never) account the contrivance of a few factious seditious persons, (a Malignant Party, who would sacrifice the commonwealth to their own fury and ambition) the wisdom of parliament; and that the justifying and defending such persons (of whom, and of their particular sinister ways to compass their own bad ends, we shall shortly inform the world) is not the way to preserve parliaments; but is the opposing and preferring the consideration of a few unworthy persons, before their duty to their king, or their care of the kingdom.' They would have us remember, 'That our Resolutions do concern kingdoms; and therefore not to be moulded by our own understandings.' We well remember it; but we would have them remember, That when their consultations endeavour to lessen the office and dignity of a king, they meddle with that which is not within their determination; and of which we must give an account to God and our other kingdoms, and must maintain with the sacrifice of our life.—Lastly, That Declaration tells you of a 'present desperate and malicious Plot the

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Malignant Party is now acting, under the plausible notions of stirring men up to a care of preserving the king's prerogative; maintaining the discipline of the church; upholding and continuing the reverence and solemnity of God's service; and encouraging learning;' (indeed plausible and honourable notions to act any thing upon) 'and that upon these grounds divers mutinous Petitions have been framed in London, Kent, and other places.' Upon what Grounds would these men have Petitions framed? Have so many Petitions (even against the form and constitution of the kingdom, and the laws established) been joyfully received and accepted? And shall Petitions framed upon these Grounds be called 'Mutinous?' Hath a multitude of mean, unknown, inconsiderable, contemptible persons about the city and suburbs of London, had liberty to petition against the government of the church; against the Book of Common Prayer; against the Freedom and Privilege of Parliament; and been thanked for it: and shall it be called Mutiny in the gravest and best citizens of London, or in the gentry and commonalty of Kent, to frame Petitions upon these Grounds; and to desire to be governed by the known laws of the land, not by Orders and Votes of either, or both houses? Can this be thought the wisdom and justice of both houses of parliament? Is it not evidently the work of a faction within, or without, both houses, who deceive the trust reposed in them; and have now told us what Mutiny is, That to stir men up to a care of preserving our prerogative; maintaining the discipline of the church; upholding and continuing the reverence and solemnity of God's service; and encouraging of learning, is 'Mutiny!' Let Heaven and earth, God and man, judge between us and these men. And however such Petitions are there called 'mutinous,' and the Petitioners threatened, discountenanced, censured, and imprisoned; if they bring such lawful Petitions to us, we will graciously receive them; and defend them and their rights against what power soever, with the uttermost hazard of our being.—We have been the longer (to our very great pain) in this Answer, that we might give the world satisfaction, even in the most trivial particulars which have been objected against us; and that we may not be again reproached with any more 'prudent Omissions.' If we have been compelled to sharper language than we affect, let it be considered, how vile, how insufferable our provocations have been; and except to repel force be to assault, and to give punctual and necessary Answers to rough and insolent demands be to make invectives, we are confident the world will accuse us of too much mildness; and all our good subjects will think, we are not well dealt with; and will judge of us, and of their own happiness and security in us, by our actions; which we desire may no longer prosper, or have a blessing from God upon them and us, than they shall be directed to the glory of God, in the maintenance of the true Protestant profession; to the preservation of the property and liberty of the subject, in the observation of the laws; and to the maintenance of the rights and freedom of parliament, in the allowance and protection of all their just privileges."

A 5th Letter from the committee at York.] May 25. Another Letter from the lord Howard, at York, directed to the lord keeper, was received, and read as follows:

"My lord; In obedience to the command of the house, we waited yesterday on his maj. and presented him with the Petition and Votes of both houses (p. 1242). He was pleased to tell us, 'That he would not give us a present Answer, but that we should have one shortly.' We do not, as yet, hear of any resolution to lay down these Guards; the Foot are still in the same number they were; the Horse, as we hear, do increase; so likewise, do men's fears and apprehensions. The Prince is made captain of these Horse, a brother of sir John Byron's lieutenant, and one of sir Ingleby Daniel's sons, a gentleman of this country, is made cornet. His majesty had summoned the freeholders, copyholders, and substantial farmers, of this county, to be here, at York, on Friday next; but, this afternoon, we hear there is a warrant, from the king, to the high sheriff, to defer that meeting till Friday come se'ennight. Your lordship's humble servant, ED. HOWARD. York, May 23, 1642."

An Order of the House of Lords for summoning their absent Members.] This day the lords took notice of several of their house being absent on the king's letters to attend him at York; and judging it contrary to the privileges of that house, resolved to consider what course was fit to be taken with these deserters. Hereupon it was ordered, That the lords gone to York, or other places, contrary to a former Order of this house, shall be sent for, and taken into custody, to answer their contempt done to this house; and, in case they refuse to come, then the house would give judgment against them for the same. The lords North and Brooke were appointed to put down the names of such peers as were absent without leave &c. This was done accordingly, and presented to the house under the following Distinctions:

LORDS that have absented themselves from the PARLIAMENT, and are now with his MAJESTY at York.

The Lord-Keeper	Earl of Lindsey
Duke of Richmond	Earl of Newcastle
Marquis of Hertford	Earl of Dover
Earl of Cumberland	Earl of Caernarvon
Earl of Bath	Earl of Newport
Earl of Southampton	Earl of Thanet
Earl of Dorset	Earl of Huntingdon
Earl of Salisbury	Lord Spencer
Earl of Northampton	Lord Strange
Earl of Carlisle	Lord Willoughby of Eresby
Earl of Clare	
Earl of Westmoreland	Lord Rich

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Lord Andover	Lord Saville
Lord Fauconberge	Lord Dunsmore
Lord Lovelace	Lord Seymour
Lord Paulet	Lord Herbert of Cherbury
Lord Coventry	

LORDS that have *not* absented themselves from the Business of the House.

Earl of Northumberland	Lord Wentworth
Earl of Bedford	Lord Paget
Earl of Pembroke and Montgomery	Lord North
Earl of Essex	Lord Chandois
Earl of Lincoln	Lord Willoughby of Parham
Earl of Suffolk	Lord Wharton
Earl of Leicester	Lord Hunsdon
Earl of Warwick	Lord Pierepoint (Viscount Newark)
Earl of Holland	Lord St. John
Earl of Bolingbroke	Lord Stanhope
Earl of Peterborough	Lord Grey de Ruthyn
Earl of Stamford	Lord Roberts
Earl of Manchester	Lord Kimbolton
Earl of Portland	Lord Howard of Eskricke
Earl of Cleveland	Lord Brooke
Earl of Bristol	Lord Fielding
Earl of Monmouth	Lord Mowbray
Earl of Devonshire	Lord Grey de Werk
Viscount Say and Sele	Lord Howard de Charlton
Lord Dacres	Lord Hastings
Lord Cromwell	Lord Capel

LORDS not commonly coming to Parliament, being either Minors, or disabled by Old Age, or for other Reasons and Infirmities.

Duke of Buckingham	Earl of Oxford
Earl of Derby	Earl of Sussex
Earl of Danby	Earl of Exeter
Earl of Mulgrave	Earl of Nottingham
Earl of Rutland	Lord Harvey
Earl of Bridgewater	Lord Powis
Earl of Kent	

The rest of the peers are not particularly distinguished, but only, in general, said to be either abroad in foreign parts, absent with leave, or recusants. The lords who were appointed to take this account, told the house, "That they conceived the latter to have no right to vote in parliament, during their recusancy."

Remonstrance of both Houses, in Answer to the King's Declaration concerning Hull, &c.] May 26. Another long Remonstrance, or Declaration, having been framed by the commons, and sent up to the lords, was this day read in that house, and agreed to: the earls of Bristol, Monmouth, and Devonshire, with the lords Mowbray, Grey de Ruthyn, Howard de Charlton, Pierepoint and Capel, dissenting. Ordered, That this Declaration be forthwith printed and published, as follows: *

"Although the great affairs of this kingdom, and the miserable and bleeding condition of the kingdom of Ireland, affords us little leisure to spend our time in Declarations, or in Answers and Replies; yet the Malignant Party about his majesty, taking all occasions to multiply calumnies upon the houses of Parliament, and to publish sharp invectives under his majesty's name against them and their proceedings; (a new engine which they have invented to heighten the distractions of this kingdom, and to beget and increase distrust and disaffection between the king, his parliament, and the people) we cannot be so much wanting to our own innocency, or to the duty of our trust, as not to clear ourselves from those false aspersions; and (which is our chiefest care) to disabuse the people's minds, and open their eyes, that under the false shews and pretexts of the law of the land, and of their own rights and liberties, they may not be carried into the roadway that leads to the utter ruin and subversion thereof—A late occasion that these wicked spirits of division have taken to defame, and indeed to arraign, the proceedings of both houses of parliament, hath been from our Votes of the 26th of April, and our Declaration concerning the business of Hull; which because we put forth before we could send our Answer concerning that matter unto his majesty, those mischievous instruments of dissention, between the king, the parliament, and the people, whose chief labour and study is to misrepresent our actions to his maj. and to the kingdom, would need interpret this as an Appeal to the People, and a declining of all intercourse between his majesty and us, as if we thought it to no purpose to endeavour any more to give him satisfaction; and, without expecting any longer our Answer, they themselves have, under the name of a Message from his majesty to both houses of parliament, indeed made an Appeal to the People; as the Message itself doth in a manner grant it to be, offering to join issue with us in that way; and, in the nature thereof, doth clearly shew itself to be none other: therefore we shall likewise address our Answer to the Kingdom, not by way of Appeal, as we are charged; but to prevent them from being their own executioners; and from being persuaded, under false colours of defending the law and their own liberties, to destroy both with their own hands; by taking their lives, liberties, and estates out of those hands whom they have chosen and intrusted therewith; and resigning them up unto some evil counsellors about his majesty, who can lay no other foundation of their own great-

* From the original edition, printed for John Frank, 1642. The Declarations and other proceedings of parliament having been printed frequently about this time, in an incorrect manner by unlicensed printers, we find, in the title of this Declaration, the following remarkable Certificate. "According to an Order, made in the house of commons on Saturday last, I have examined this copy with the original, and have mended it. H. Elsing, Cler. Parl. D. Com."

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ness, but upon the ruin of this, and, in it, of all parliaments, and, in them, of the true religion and the freedom of this nation.—These are the men that would persuade the people, that both houses of Parliament (containing all the Peers, and representing all the Commons of England) would destroy the laws of the land and liberty of the people; wherein, besides the trust of the whole, they themselves, in their own particulars, have so great an interest of honour and estate, that we hope it will gain little credit with any that have the least use of reason, that such as must have so great a share in the misery, should take so much pains in the procuring thereof; and spend so much time, and run so many hazards, to make themselves slaves and destroy the property of their estates.—But that we may give particular satisfaction to the several imputations cast upon us, we shall take them in order, as they are laid upon us, in that Message.—First, we are charged 'for the avowing of that act of sir John Hotham, which is termed unparalleled, and an high and unheard-of affront unto his majesty;' and, as if we needed not to have done it, 'he being able,' as is alledged, 'to produce no such command of the houses of parliament.'—Although sir J. Hotham had not an Order that did express every circumstance of that case, yet he might have produced an Order of both houses which did comprehend this case, not only in the clear intention, but in the very words thereof; which knowing in our consciences to be so, and to be most necessary for the safety of the kingdom, we could not but in honour and justice avow that act of his; which we are confident will appear to all the world to be so far from being an affront to the king, that it will be found to have been an act of great loyalty to his majesty, and to his kingdom.—The next charge upon is, 'That, instead of giving his majesty satisfaction, we published a Declaration concerning that business, as an Appeal unto the People; as if our intercourse with his majesty, and for his satisfaction, were now to no more purpose;' which course is alledged to be very unagreeable to the modesty and duty of former times, and not warrantable by any precedents, but what ourselves have made.—If the penner of this Message had waited a while, and had not expected that two houses of parliament, (especially burthened as they are at this time with so many pressing and urgent affairs) should have moved as fast as himself, he would not have said that Declaration was instead of an Answer to his majesty; which we did dispatch with all the speed and diligence we could, and have sent it to his majesty by a committee of both houses; whereby it appears, that we did it not upon that ground, 'that we thought it was no more to any purpose to endeavour to give his majesty satisfaction.' And as for 'the duty and modesty of former times, from which we are said to have varied, and to want the warrant of any precedents therein, but what ourselves have made:' if we have made any precedents in this parliament, we have made them for posterity; upon the same or better grounds of reason and law than those were, upon which our predecessors first made any for us. And as some precedents ought not to be rules for us to follow, so none can be limits to bound our proceedings, which may and must vary according to the different condition of times; and for this particular 'of setting forth Declarations, for the satisfaction of the people, who have chosen and intrusted us with all that is dearest to them;' if there be no example for it, it is because there were never any such monsters before, that ever attempted to disaffect the people from a parliament, or could ever harbour a thought that it might be effected: were there ever such practices to poison the people with an ill apprehension of the parliament? Were there ever such imputations and scandals laid upon the proceedings of both houses? Were there ever so many and so great breaches of privilege of parliament? Were there ever so many and so desperate designs of force and violence against the parliament, and the members thereof? If we have done more than ever our ancestors have done, we have suffered more than ever they have suffered; and yet, in point of modesty and duty, we shall not yield to the best of former times; and we shall put this in issue, Whether the highest and most unwarrantable proceedings of any of his majesty's predecessors, do not fall short of, and much below, what hath been done to us this parliament: and on the other side, Whether, if we should make the highest precedents of other parliaments our patterns, there would be cause to complain of 'Want of modesty and duty in us;' when we have not so much as suffered such things to enter into our thoughts, which all the world knows they have put in action? —Another Charge which is laid very high upon us (and which were indeed a very great crime if we were found guilty thereof) is, 'That, by avowing this act of sir J. Hotham, we do, in consequence, confound and destroy the title and interest of all his majesty's good subjects to their lands and goods; and that upon this ground, That his majesty hath the same *title* to his own town of Hull, which any of his *subjects* have to their houses or lands; and the same to his Magazine or Munition there, that any man hath to his money, plate, or jewels; and therefore that they ought not to have been disposed of without or against his consent, no more than the house, land, money, plate, or jewels, of any subject ought to be, without or against his will.'—Here that is laid down for a principle, which would indeed pull up the very foundation of the liberty, property, and interest of every subject in particular, and of all the subjects in general; if we should admit it for a truth, 'That his majesty hath the same right and title to his Towns and Magazine (bought with the public monies, as we conceive that at Hull to have been) that every particular man hath to his house, lands, and goods;' for his majesty's towns are no more his own,

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than his kingdom is his own; and his kingdom is no more his own, than his people are his own; and if the king had a property in all his towns, what would become of the subjects property in their houses therein? And if he had a property in his kingdom, what would become of the subjects property in their lands throughout the kingdom? Or of their liberties, if his maj. had the same right in their persons, that every subject hath in their lands, or goods? And what should become of all the subjects interest in the towns and forts of the kingdom, and in the kingdom itself, if his maj. might sell, or give them away, or dispose of them at his pleasure, as a particular man may do with his lands and with his goods? This erroneous maxim, being infused into princes, 'That their kingdoms are their own, and that they may do with them what they will, (as if their kingdoms were for them, and not they for their kingdoms) is the root of all the subjects misery, and of all the invading of their just rights and liberties; whereas, indeed, they are only intrusted with their kingdoms, and with their towns, and with their people, and with the public treasure of the commonwealth and whatsoever is bought therewith: by the known law of this kingdom, the very jewels of the crown are not the king's proper goods, but are only intrusted to him for the use and ornament thereof; as the towns, forts, treasure, magazine, offices and people of the kingdom, and the whole kingdom itself, are intrusted unto him for the good and safety and best advantage thereof: and as this trust is for the use of the kingdom, so ought it to be managed by the advice of the houses of parliament, whom the kingdom hath trusted for that purpose; it being their duty to see it be discharged according to the condition and true intent thereof; and, as much as in them lies, by all possible means to prevent the contrary; which, if it hath been their chief care and only aim in the disposing of the town and magazine of Hull, in such manner as they have done, they hope it will appear clearly to all the world, that they have discharged their own trust, and not invaded that of his majesty's; much less, his property, which, in this case, they could not do. But admitting his majesty had, indeed, a property in the Town and Magazine of Hull, who doubts but that a parliament may dispose of any thing wherein his majesty or any subject hath a right, in such a way as that the kingdom may not be exposed to hazard or danger thereby? which is our case in the disposing of the town and magazine of Hull. And whereas his maj. doth allow this, and a greater, power to a parliament, but in that sense only as he himself is a part thereof; we appeal to every man's conscience, that hath observed our proceedings, whether we disjoined his maj. from his parliament; who have, in all humble ways, sought his concurrence with us; as in this particular about Hull, and for the removal of the Magazine there, so also in all other things; or whether these evil Counsellors about him have not separated him from his parliament, not only in distance of place, but also in the discharge of this joint trust with them for the peace and safety of the kingdom, in this and some other particulars.—We have given no occasion to his majesty to declare his resolution with so much earnestness, 'That he will not suffer either, or both houses, by their Votes, without or against his consent, to enjoin any thing that is forbidden by the law, or to forbid any thing that is enjoined by the law;' for our Votes have done no such thing: and as we shall be very tender of the law; (which we acknowledge to be the safeguard and custody of all public and private interests) so we shall never allow a few private persons about his majesty, nor his maj. himself, in his own person and out of his court, to be judge of the law; and that contrary to the judgment of the highest court of judicature: in like manner, 'That his majesty hath not refused to consent to any thing, that might be for the peace and happiness of the kingdom,' we cannot admit it in any other sense, but as his maj. taketh the measure of what will be for the peace and happiness of the kingdom, from some few ill-affected persons about him, contrary to the advice and judgment of his great council of parliament.—And because the advice of both houses of 'Parliament' hath, through the suggestions of evil counsellors, been so much undervalued of late, and so absolutely rejected and refused; we hold it fit to declare unto the 'Kingdom,' (whose honour and interest is so much concerned in it) what is the privilege of the great council of parliament herein, and what is the obligation that lieth upon the kings of this realm to pass such bills as are offered unto them by both houses of parliament, in the name, and for the good, of the whole kingdom; whereunto they stand engaged, both in conscience and in justice, to give their royal assent:* in conscience, in respect of the Oath that is, or ought to be, taken by the Kings of this realm at their coronation; as well to confirm, by their royal assent, such good laws as their people shall choose; and to remedy, by law, such inconveniences as the kingdom may suffer; as to keep and protect the laws already in being. This may appear both by the Form of the Oath upon record, and in books of good authority, and by the statute of the 25th Edw. 3, intitled, 'The Statute of Provisors of Benefices;' the form of

* It appears by the Commons' Journals of the 19th of this month, that there was a Division in the house, upon the question, 'Whether this clause beginning with these words, 'In conscience, &c.' should stand as part of this Declaration?' It was carried in the affirmative by 103 voices against 61. This enables us to correct a mistake of lord Clarendon's, wherein he says, speaking of the time of the passing this Declaration, 'That, in debates of the highest consequence, there was not usually present in the house of commons the fifth part of their just numbers.'

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which Oath, and the clause of that Statute concerning it, are as followeth:

FORMA JURAMENTI soliti et consueti præstari, per REGES ANGLIÆ, in eorum Coronatione. Rot. Parl. an. 1 Hen. 4. N. 17.—Servabis Ecclesiæ Dei, cleroq; & populo, pacem ex integro, et concordiam in Deo, secundum vires tuas? Respondebit, Servabo.—Facies fieri, in omnibus judiciis tuis, equam & rectam justitiam, & discretionem in misericordia & veritate, secundum vires tuas? Respondebit, Faciam.—Concedis justas leges et consuetudines esse tenendas, et promittis, per te eas esse protegendas, & ad honorem dei corroborandas, quas vulgus elegerit, secundum vires tuas? Respondebit, Concedo et promitto.—Adjicianturq; prædictis interrogationibus quæ justa fuerint, prænunciatisq; omnibus, confirmet Rex se omnia servaturum, Sacramento super Altare præstito, coram cunctis."

A CLAUSE in the PREAMBLE of a STATUTE made the 25th of Edward III. intitled, The Statute of Provisors of Benefices.'

"Whereupon the said commons have prayed our said lord the king, that since the right of the crown of England, and the law of the said realm is such, that, upon the Mischiefs and Damages which happen to his realm, he ought, and is bound by his oath, with the accord of his people in his parliament, thereof to make Remedy and Law; and in removing the Mischiefs and Damages which thereof ensue, that it may please him thereupon to ordain remedy: Our lord the king seeing the Mischiefs and Damages beforementioned; and having regard to the said statute, made in the time of his said grandfather, and to the causes contained in the same, which statute holdeth always his force, and was never defeated, repealed, nor annulled in any point; and by so much he is bounden by his Oath to cause the same to be kept as the law of his realm, though that, by sufferance and negligence, it hath been since attempted to the contrary; also having regard to the grievous complaints made to him by his people, in divers his parliaments holden heretofore, willing to ordain Remedy for the great Damages and Mischiefs which have happened, and daily do happen, to the church of England by the said cause, &c."

"Here the lords and commons claim it directly, as the right of the crown of England, and of the law of the land, That the king is bound by his Oath, with the accord of his people in parliament, to make Remedy and Law upon the Mischiefs and Damages which happen to this realm; and the king doth not deny it, although he take occasion, from a statute formerly made by his grandfather, which was laid as a part of the ground of this Petition, to fix his Answer upon another branch of his Oath; and pretermits that which is claimed by the lords and commons, which he would not have done if it might have been excepted against.—In justice they are obliged thereunto, in respect of the trust reposed in them, which is as well to preserve the kingdom by the making of new laws where there shall be need, as by observing of laws already made. A kingdom being many times as much exposed to ruin for the want of a new law, as by the violation of those that are in being; and this is so clear a right, that no doubt his maj. will acknowledge it to be as due unto his people as his protection; but how far forth he is obliged to follow the judgment of his parliament therein, that is the question. And certainly, besides the words in the king's Oath, referring unto such laws as the people shall chuse, as in such things which concern the public weal and good of the kingdom, They are the most proper judges, who are sent from the whole kingdom for that very purpose; so we do not find, since laws have passed by way of bills (which are read thrice in both houses, and commited, and every part and circumstance of them fully weighed and debated upon the commitment, and afterwards passed in both houses) that ever the kings of this realm did deny them, otherwise than is expressed in that usual Answer, 'Le Roy s'avisera;' which signifies rather a suspension than a refusal of the royal assent: and in those other laws, which are framed by way of Petition of Right, the houses of parliament have taken themselves to be so far judges of the rights claimed by them, that when the king's Answer hath not, in every point, been fully according to their desire, they have still insisted upon their claim; and never rested satisfied till such time as they had an Answer according to their own demands; as was done in the late Petition of Right and in former times upon the like occasion: and if the parliament be judge between the king and his people in the question of Right, (as by the manner of the claim in Petitions of Right, and by Judgments in Parliament, in cases of illegal Impositions and Taxes, and the like, it appeareth to be) why should they not be so also in the question of the common Good and Necessity of the kingdom; wherein the kingdom hath as clear a right also to have the benefit and remedy of law, as in any thing whatsoever? And yet we do not deny but in private bills and also in *public* acts of grace, as Pardons, and the like *Grants* of Favour, his majesty may have a greater latitude of granting or denying, as he shall think fit.—All this considered, we cannot but wonder, That the contriver of this Message should conceive the people of this land to be so void of common sense, as to enter into so deep a mistrust of those that they have reposed, and his maj. ought to repose, so great a trust in, as to despair of any security in their private estate, by descents, purchases, assurances, or conveyances; unless his maj. should, by his Vote, prevent the prejudice they might receive therein, by the Votes of both houses of parliament: as if they, who are especially chosen and entrusted for that purpose, and, who themselves, must needs have so great a share in all Grievances of the subject, had wholly cast off all care of the subject's good; and his maj. had,

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solely taken it up: and as if it could be imagined, That they should, by their Votes, overthrow the right of descents, purchases, or of any conveyance or assurance, in whose judgment the kingdom hath placed all their particular interests, if any of them should be called in question in any of those cases; and that (as knowing not where to place them with greater security) without any appeal from them, to any other person or court whatsoever. —But indeed we are very much to seek how the case of Hull should concern descents and purchases, or conveyances and assurances, unless it be in procuring more security to men in their private interests, by the preservation of the whole from confusion and destruction; and much less do we understand how the 'Sovereign Power' was resisted and despised therein: certainly no command from his majesty, and his high court of parliament, where the 'Sovereign Power' resides, was disobeyed by sir John Hotham; nor yet was his majesty's authority derived out of any other court, or by any legal commission, or by any other way wherein the law hath appointed his majesty's commands, to be derived to his subjects: and of what validity his 'verbal commands' are, without any such stamp of his authority upon them, and against the Order of both houses of Parliament; and whether the not submitting thereunto be a resisting and despising of the Sovereign Authority, we leave it to all men to judge, that do at all understand the government of this kingdom.—We acknowledge, 'That his majesty hath made many expressions of his zeal and intentions against the desperate designs of Papists;' but yet it is also as true, that the counsels, which have prevailed of late with him, have been little suitable to those expressions and intentions: for what doth more advance the open and bloody design of the Papists in Ireland, (whereon the secret plots of the Papists here do, in all likelihood, depend) than his majesty's absenting himself, in that manner that he doth, from his parliament, and setting forth such sharp invectives against them; notwithstanding the humble Petitions, and other means, which his parliament hath addressed unto him for his return, and for his satisfaction concerning their proceedings? And what was more likely to give a rise to the designs of Papists (whereof there are so many in the North near to the town of Hull) and of other malignant and ill-affected persons, which are ready to join with them, or to the attempts of foreigners from abroad, than the continuing of that great Magazine at Hull, at this time, contrary to the desire and advice of both houses of parliament? So that we have too much cause to believe, that the Papists have still some way and means, whereby they have influence upon his majesty's counsels for their own advantage.—For the Malignant Party, his majesty needeth not a definition of the law, nor yet a more full character of them from both houses of parliament, for to find them out; if he will please only to apply the character, that himself hath made of them, to those unto whom it doth properly and truly belong, who are so much disaffected to the peace of the kingdom, as that they endeavour to disaffect his maj. from the houses of parliament, and persuade him to be at such a distance from them both in place and affection. Who are more disaffected to the government of the kingdom, than such as lead his maj. away from hearkening to his parliament, (which, by the constitution of this kingdom is his greatest and best council) and persuade him to follow the malicious counsels of some private men, in opposing and contradicting the wholesome advices and just proceedings of that his most faithful council and highest court? Who are they that not only neglect and despise, but labour to undermine the law, under colour of maintaining of it, but they that endeavour to destroy the fountain and conservatory of the law, which is the parliament? And who are they that 'set up rules for themselves to walk by, other than such as are appointed by law,' but they that will make other judges of the law than the law hath appointed; and so dispense with their obedience to that which the law calleth 'Authority,' and to their determinations and resolutions to whom the judgment doth appertain by law? For when private persons shall make the law to be their rule, according to their own understandings, contrary to the judgments of those that are competent judges thereof, they set up unto themselves other rules than the law doth acknowledge. Who these persons are, none knoweth better than his maj. himself; and if he will please to take all possible caution of them, as destructive to the common-wealth and himself, and would remove them from about him, it would be the most effectual means to compose all the distractions, and to cure the distempers of this kingdom.—For the lord Digby's Letter, we did not make mention of it as a 'ground to hinder his majesty from visiting his own Fort; but we appeal to the judgment of any indifferent man that shall read that Letter, and compare it with the posture that his majesty then did, and still doth, stand in towards the parliament, and with the circumstances of that late action of his majesty in going to Hull, whether the advisers of that journey intended 'only a visit' of that Fort and Magazine. As to the ways and overtures of Accommodation, and the Message of the 20th of Jan. last, 'so often pressed, but still in vain,' as is alledged, our Answer is, That although, so often as the Message of the 20th of Jan. hath been pressed, so often have our privileges been clearly infringed; in that a way and method of proceeding should be prescribed unto us, as well for the settling of his majesty's Revenue, as for the presenting of our own desires: A thing which, in former parliaments, hath always been excepted against as a breach of privilege; yet, in respect of the matter contained in that Message, and out of our earnest desire to beget a good understanding between his maj. and us, we swallowed

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down all matters of circumstance; and had, e'er this time, presented the chief of our desires to his majesty; had we not been interrupted with continual Denials, even of those things that were necessary for our present security and subsistance; and had not those denials been followed with perpetual invectives against us and our proceedings; and had not those invectives been heaped upon us so thick one after another, (who were already in a manner wholly taken up with the pressing affairs of this kingdom, and of the kingdom of Ireland) that, as we had little encouragment from thence to hope for any good Answers to our desires, so we had not so much time left us to perfect them in such a manner as to offer them unto his majesty.—We confess it is a resolution most worthy of a prince, and of his majesty, 'To shut his ears against any that would incline him to a Civil War, and to abhor the very apprehension of it;' but we cannot believe that mind to have been in them that came with his majesty to the house of commons; or in them that accompanied his maj. to Hampton-Court, and appeared in a warlike manner at Kingston upon Thames; or in divers of them that followed his maj. now lately to Hull; or in them that, after, drew their swords at York, demanding 'who would be for the king;' nor in them that advised his maj. to declare sir John Hotham a traitor, before the Message was sent concerning that business to the parliament; or to make Propositions to the gentlemen of the county of York, to assist his maj. to proceed against him in a way of force, before he had, or possibly could receive an Answer from the Parliament, to whom he had sent to demand justice of them against sir J. Hotham for that fact: and if those malignant spirits shall ever force us to defend our religion, the kingdom, the privileges of parliament, and the rights and liberties of the subjects, with our swords, the blood and destruction that shall ensue thereupon, must be wholly cast upon their account, God and our own consciences tell us that we are clear; and we doubt not but God and the whole world will clear us therein.—For captain Legge, we did not say, 'That he was accused, or that there was any charge against him for the bringing up of the army;' but that he was employed in that business. And for that question concerning the earl of Newcastle, mentioned by his majesty, which is said 'to have been asked long since, and that it is not easy to be answered;' we conceive that it is a question of more difficulty, and harder to be answered, Why, when his maj. held it necessary, upon the same grounds that first moved from the houses of parliament, that a governor should be placed in that town, sir J. Hotham, a gentleman of known fortune and integrity, and a person of whom both houses of parliament had expressed their confidence, should be refused by his majesty; and the earl of Newcastle (who, by the way, was so far named in the business of the bringing up of the army, that although there was not ground enough for a judicial proceeding, yet there was ground of suspicion; at least his reputation was not left so unblemished thereby, as that he should be thought the fittest man in England for that employment of Hull) should be sent down, in a private way, from his majesty, to take upon him that government; and why he should disguise himself under another name, when he came thither, as he did?—But whosoever shall consider, together with these circumstances, that of the Time when sir J. Hotham was first appointed by both houses of parliament to take upon him that employment; which was presently after his majesty's coming to the house of commons, and upon the retiring of himself to Hampton-Court, and the lord Digby's assembling of cavaliers at Kingston upon Thames, will find reason enough why that town of Hull should be committed rather to sir J. Hotham, by the authority of both houses of parliament, than to the earl of Newcastle, sent from his maj. in the manner that he was: and for the power that sir J. Hotham has from the houses of parliament, the better it is known and understood, we are confident the more it will be approved of and justified. And as we do not conceive, That his majesty's refusal to have that Magazine removed could give any advantage against him to have it taken from him; and as no such thing is done, so we cannot conceive for what other reason any should counsel his majesty not to suffer it to be removed, upon the desire of both houses of parliament; except it be that they had an intention to make use of it against the parliament.—We did not except against those that presented a Petition to his majesty at York, for the continuance of the Magazine at Hull, 'in respect of their condition, or in respect of their number, because they were mean persons, or because they were few;' but because they being but a few, and there being so many more in the county of as good quality as themselves, (who have, by their Petition to his majesty, disavowed that act of theirs) that they should take upon themselves the style of 'All the gentry and inhabitants of that county;' and, under that style, should presume to interpose their advice contrary to the Votes of both houses of parliament; and if it can be made appear, that any of these Petitions, that are said to have been presented to the houses of parliament, 'and to have been of a strange nature,' were of such a nature as that beforementioned, we are confident they were never received with our consent and approbation.—Whether there was 'an intention to deprive sir J. Hotham of his life,' if his majesty had been admitted into Hull; and whether the information were such, as that he had ground to believe it, we will not bring it into question; for that it was not, nor ought to have been, the Ground for doing what he did; neither was the 'number of his majesty's attendants,' for being more or fewer, much considerable in this case: for although it be true, That if his majesty had en-

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tered 'with 20 horse only,' he might haply have found means to have forced the entrance of the rest of his train, who, being once in the town, would not have been long without arms; yet that was not the 'Ground' that sir J. Hotham was to proceed upon; but upon the admittance of the king into the town at all, so as to 'deliver up the town and magazine unto him, and to whomsoever he should give the command thereof,' without the knowledge and consent of both houses of parliament, by whom he was entrusted to the contrary; and his majesty having declared that 'to be his intention,' concerning the town, in a Message that he sent to the parliament not long before he went to Hull, saying, 'That he did not doubt but that town should be delivered up to him, whensoever he pleased, as supposing it to be kept against him;' and in like manner concerning the Magazine, in his Message of the 24th of April; wherein it is expressed, 'That his majesty went thither with a purpose to take into his hands the Magazine, and to dispose of it in such a manner as he should think fit:' upon these terms sir J. Hotham could not have admitted his maj. and made good his trust to the parliament; though his majesty would have entered 'alone,' without any attendance at all of his own, or of the prince or duke, his sons, which we do not wish to be less than they are in their number, but could heartily wish they were, generally, better in their conditions.—In the close of this Message, his majesty states the case of Hull, and thereupon inferreth, 'That the act of sir J. Hotham was levying of war against the king, and consequently that it was no less than high treason, by the letter of the statute of 25 Edw. 3. c. 2. unless the sense of that statute be very differing from the letter thereof.'—In the stating of this case divers particulars may be observed, wherein it is not rightly stated; as, first, That his majesty's going to Hull was 'only an endeavour to visit a town and fort of his;' whereas it was indeed 'to possess himself of the town and magazine there, and to dispose of them as he himself should think good, without, and contrary to, the advice and orders of both houses of parliament,' as doth clearly appear by his majesty's own Declaration of his intention therein, and by his Messages to both houses, immediately before and after that journey. Nor can we believe that any man, that shall consider the circumstances of that journey to Hull, can think that his maj. would have gone thither at that time, and in that posture he was pleased to put himself in towards the parliament, if he had intended only 'a visit to the town and magazine.' Secondly, It is said to be 'his majesty's own town, and his own magazine;' which being understood in that sense as was before expressed, as if his majesty had a private interest or property therein, we cannot admit it to be so. Thirdly, (which is the main point of all) sir J. Hotham 'is said to have shut the gates against his majesty, and to have made resistance with armed men in defiance of his majesty;' whereas it was indeed in Obedience to his majesty and his authority, and for his service, and the service of the kingdom; for which use only all that interest is that the king hath in the town, and it is no farther his to dispose of, than he useth it for that end: and sir J. Hotham being commanded to keep the town and magazine for his majesty and the kingdom, and not to deliver them up, but by 'his majesty's authority signified by both houses of parliament,' all that is to be understood by those expressions of his 'denying and opposing his majesty's entrance, and telling him, in plain terms, he should not come in,' was only this, 'That he humbly desired his majesty to forbear his entrance till he might acquaint the parliament, and that his authority might come signified to him by both houses of parliament, according to the trust reposed in him.' And certainly if the letter of the statute of 25 Edw. 3. c. 2. be thought to import this, That no war can be levied against the king, but what is directed and intended against his person; or that every levying of forces for the defence of the king's authority, and of his kingdom, against the personal commands of the king opposed thereunto, though accompanied with his presence, is levying war against the king, it is very far from the sense of that statute; and so much the statute itself speaks, besides the authority of Book-cases, and Precedents of divers traitors condemned upon that interpretation thereof: for if the clause of levying war had been meant only against the king's person, what need had there been thereof, after the other branch of treason, in the same statute, of compassing the king's death, which would necessarily have implied this? And because the former clause doth imply this, it seems not at all to be intended in this latter branch; but only the levying war against the king, that is, against his laws and authority; and the levying war against his laws and authority, though not against his person, is levying war against the king; but the levying of force against his personal commands, though accompanied with his presence; and not against his laws and authority, but in the maintenance thereof, is no levying of war against the king, but for him.—Here is then our case: In a time of so many successive plots and designs of force against the parliament and kingdom; in a time of probable invasion from abroad, and that to begin at Hull, and to take the opportunity of seizing upon so great a Magazine there; in a time of so great distance and alienation of his majesty's affections from his parliament, and in them from his kingdom which they represent, by the wicked suggestions of a few malignant persons, by whose mischievous counsels he is wholly led away from his parliament, and their faithful advice and counsels: in such a time, the lords and commons in parliament commanded sir J. Hotham to draw in some of the Trained Bands of the parts adjacent to the town of Hull, for the securing of that town and magazine, for the service of his majesty and of the kingdom; of

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the safety whereof there is a higher trust reposed in them than any where else, and they are the proper judges of the danger thereof.—This town and magazine being intrusted to sir J. Hotham, with express orders not to deliver them up but by the king's authority signified by both houses of parliament; his majesty, contrary to the advice and direction of both houses of parliament, without the authority of any court, or of any legal way wherein the law appoints the king to speak and command, accompanied with the same evil counsels about him that he had before, by a verbal command requires sir J. Hotham to admit him into the town; that he might dispose of it, and of the magazine there, according to his own, or rather according to the pleasure of those evil counsellors, who are still in so much credit about him; in like manner the lord Digby hath continual recourse unto, and countenance from, the queen's majesty in Holland; by which means he hath opportunity still to communicate his traiterous suggestions and conceptions to both their majesties; such as those were concerning 'his majesty's retiring to a place of strength, and declaring himself; and his own advancing of his majesty's service in such a way beyond the seas, and after that resorting to his majesty in such a place of strength;' and divers other things of that nature, contained in his Letter to the queen and to sir Lewis Dives; a person that had not the least part in this late business of Hull, and was presently dispatched away into Holland, soon after his majesty's return from Hull: for what purpose we leave the world to judge.—Upon the refusal of sir J. Hotham to admit his maj. into Hull, presently, without any due process of law, before his majesty had sent up the narration of his fact to the parliament, he was proclaimed traitor; and yet it is said, 'That therein there was no violation of the subjects right, nor any breach of the law, nor of the privilege of parliament,' though sir J. Hotham be a member of the house of commons: and 'that his majesty must have better reason than bare Votes to believe the contrary.' Although the Votes of the lords and commons in parliament, being the great council of the kingdom, are the reason of the king and of the kingdom, yet these Votes do not want clear and apparent reason for them: for if the solemn proclaiming a man a traitor signify any thing, it puts a man, and all those that any way aid, assist, or adhere unto him, into the same condition of traitors, and draws upon him all the consequences of treason; and if this may be done by law, without due process of law, the subject hath a very poor defence of the law, and a very small, if any, proportion of liberty thereby: and it is as little satisfaction to a man that shall be exposed to such penalties, by that declaration of him to be a traitor, to say, 'He shall have a legal trial afterwards,' as it is to condemn a man first and try him afterwards: and if there can be a necessity for any such proclaiming a man a traitor without due process of law, yet there was none in this case; for his maj. might have as well expected the judgment of the parliament, which was the right way, as he had leisure to send to them to demand justice against sir J. Hotham. And the breach of privilege of parliament is as clear, in this case, as the subversion of the subjects common right: for though the privileges of parliament do not extend to those cases, mentioned in the Declaration, of treason, felony, and breach of the peace, so as to exempt the members of parliament from punishment, nor from all manner of process and trial, as it doth in other cases; yet it doth privilege them in the way and method of their trial and punishment, and that the parliament should have the cause first brought before them, that they may judge of the fact and of the grounds of the accusation, and how far forth the manner of their trial may concern, or not concern, the privilege of parliament; otherwise it would be in the power, not only of his majesty, but of every private man, under pretence of treason, or those other crimes, to take any man from his service in parliament, and so as many, one after another, as he pleaseth; and, consequently, to make a parliament what he will, and when he will; which would be a breach of so essential a privilege of parliament, as that the very being thereof depends upon it: and therefore we no ways doubt, but every one that hath taken the Protestation, will, according to his solemn vow and oath, defend it with his life and fortune. Neither doth the sitting of a parliament suspend all or any law, in maintaining that law which upholds the privilege of parliament, which upholds the parliament, which upholds the kingdom: and we are so far from believing, 'That his majesty is the only person against whom treason cannot be committed,' that, in some sense, we acknowledge he is the only person against whom it can be committed; that is, as he is king; and that treason which is against the kingdom is more against the king, than that which is against his person, because he is king: for that very treason is not treason as it is against him as a man; but as a man that is a king, and as he hath relation to the kingdom, and stands as a person intrusted with the kingdom, and discharging that trust.—Now the case is truly stated, and all the world may judge where the fault is; although we must avow, that there can be on competent judge of this, or any the like case, but a parliament; and we are as confident, that his maj. shall never have cause to resort to any other court, or course, for the vindication of his just privileges, and for the recovery and maintenance of his known and undoubted rights, if there should be any invasion or violation thereof, than to his high court of parliament. And in case those wicked counsellors about him shall drive him into any other course, from and against his parliament; whatever are his majesty's expressions and intentions, we shall appeal to all men's consciences, and desire that they would lay their

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hands upon their hearts, and think with themselves, whether such persons, as have of late, and still do resort to his majesty, and have his ear and favour most, either have been, or are more zealous assertors of the true Protestant Profession, (although we believe they are more earnest in the Protestant Profession, than in the Protestant Religion) or of the law of the land, the liberty of the subject, and the privileges of parliament, than the members of both houses of parliament, who are insinuated to be the deserters, if not the destroyers of them: and whether, if they could master this parliament by force, they would not hold up the same power to deprive us of all parliaments; which are the ground and pillar of the subjects liberty, and that which only maketh England a free monarchy.—For the Order of Assistance to the Committees of both houses; as they have no directions or instructions, but what have the law for their limits, and the safety of the land for their ends; so we doubt not but all persons mentioned in that Order, and all his majesty's good subjects, will yield obedience to his majesty's authority signified therein by both houses of parliament: and that all men may the better know their duty in matters of that nature, and upon how sure a ground they go that follow the judgment of parliament for their guide, we wish them, judicially, to consider the true meaning and ground of that statute, made in the 11 Hen. 7. c. 1. which is printed at large in the end of his majesty's Message of the 4th of May. This statute provides, 'That none that shall attend upon the king, and do him true service, shall be attainted or forfeit any thing.' What was the scope of this statute? To provide that men should not suffer as traitors for serving the king in his wars, according to the duty of their allegiance? If this had been all, it had been a very needless and ridiculous statute. Was it then intended, (as they may seem to take the meaning of it to be, that caused it to be printed after his majesty's Message) that they should be free from all crime and penalty who should follow the king, and serve him in war, in any case whatsoever; whether it were for or against the kingdom, and the laws thereof? That cannot be, for that could not stand with the duty of their allegiance; which, in the beginning of this statute, is expressed to be, 'to serve the king for the time being in his wars, for the defence of him and the land;' and therefore if it be against the land, (as it cannot be understood to be otherwise, if it be against the parliament, the representative body of the kingdom) it is a declining from the duty of allegiance; which this statute supposeth may be done, though men should follow the king's person in the war: otherwise there had been no need of such a proviso in the end of this statute, 'That none should take benefit thereby, that should decline from their allegiance.' That therefore which is the principal view in this statute, is, 'The serving of the king for the time being;' which cannot be meant of a Perkin Warbeck, or any that should call himself king; but such a one as, whatever his title might prove, either in himself or in his ancestors, should be received and acknowledged for such by the kingdom, the consent whereof cannot be discerned but by parliament; the act whereof is the act of the whole kingdom, by the personal suffrage of the peers, and the delegate consent of all the commons of England: and Henry 7, a wise king, considering that what was the case of Richard 3, his predecessor, might, by chance of battle, be his own; and that he might at once, by such a statute as this, satisfy such as had served his predecessor in his war, and also secure those that should serve him; who might otherwise fear to serve him in the wars, lest, by chance of battle, that might happen to him also, (if a duke of York had set up a title against him) which had happened to his predecessor, he procured this statute to be made, 'That no man should be accounted a traitor for serving the king in his wars for the time being;' that is, which was for the present allowed and received by the parliament on behalf of the kingdom; and, as it is truly suggested in the preamble of the statute, it is not agreeable to reason or conscience that it should be otherwise; seeing men would be put upon an impossibility of knowing their duty, if the judgment of the highest court should not be a rule and guide to them: and if the judgment thereof should be followed, where the question is, Who is king? Much more, What is the best service of the king and kingdom? And therefore those that shall guide themselves by the judgment of parliament, ought, whatever happen, to be secure and free from all account and penalties, upon the grounds and equity of this very statute.—We shall conclude: That although those wicked counsellors about his majesty have presumed, under his majesty's name, to put that dishonour and affront upon both houses of parliament, as to make them the countenancers of treason; enough to have dissolved all the bands and sinews of confidence between his majesty and his parliament, of whom the maxim of the law is, 'That a dishonourable thing ought not to be imagined of them;' yet we doubt not but it shall, in the end, appear to all the world, that our endeavours have been most hearty and sincere, for the maintenance of the true Protestant Religion, the king's just Prerogative, the Laws and Liberties of the Land, and the Privileges of Parliament; in which endeavours, by the grace of God, we will still persist, though we should perish in the work; which, if it should be, it is much to be feared, That Religion, Laws, Liberties, and Parliaments, would not be long-lived after us."

Orders of Parliament against removing the Records to York, &c.] May 27. This day there was a report made in the house of lords, of a conference held the day before, in which the commons desired, That since they were informed of the king's resolution to remove the next Term to York, some course might be taken to

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prevent the removal of the Records, at Westminster, to that place. Agreed to; and an Order was sent to all the keepers of the records, for that purpose.—They proposed, That a committee of lords might be appointed to join with one of their house, to consider of some fit means for the present defence of the kingdom. A committee of twelve lords was appointed accordingly.—They also informed the lords that they had received Letters from sir J. Hotham, and others, by which their lordships might see the Malignant Party were still working designs to disturb the peace of the kingdom. Then a Letter from sir J. Hotham to Mr. Hampden, was read, dated May the 25th, containing a design, by one Beckwith and others, to surprize the town of Hull; also another from the mayor of Beverley, to the same purpose. Ordered, That Mr. Beckwith shall be sent for as a delinquent.

The lords examined several messengers, sent down to take into custody the gentlemen who signed a late Petition to the king against removing the Magazine from Hull. * These declared, That they had served them all with the Order, most of them personally; and that those had shewn them the king's Warrant for not obeying that order. A copy of one of the Warrants was read as follows:

"C. R. We strictly charge and command you, Francis Wortley, knt. upon your allegiance, and upon pain of our heavy displeasure, not to go or remove out of this county, upon any occasion or command whatsoever; but to stay and abide therein, to attend our service, as we shall direct. And hereby we likewise charge all our subjects and officers, of what quality soever, to forbear arresting or attaching you, Francis Wortley, as they will tender our royal resentment at their peril. Dated at our court at York, April 28, 1642."

Further Instructions from the Parliament, to their Commissioners in Lincolnshire and at Hull.] This day the commons sent up a copy of some Instructions to the Committees of both houses, appointed to go down into Lincolnshire and to Hull; which were agreed to by the lords, and were as follows:

INSTRUCTIONS for sir Edw. Ayscough, knt. sir Christ. Wray, sir Anthony Irby, sir John Wray, sir Wm. Armyn, Mr Hatcher, and Mr. Broxholme, Committees of the House of Commons assembled in Parliament, or to any three of them.

"You shall, in the name of us the lords and commons, declare and publish unto the sheriff of the county of Lincoln, the knights, gentlemen, and others, his majesty's subjects in that county, That sir John Hotham was, by us, commanded to secure the town of Kingston upon Hull, and the Magazine there, for his majesty's service and the peace of the kingdom; which otherwise would have been much endangered: and that, upon the same reason, what hath since been there done by him, hath been necessary in pursuance of those Directions; and is by us avowed, and approved of, as warranted by the authority of parliament. 2. You shall further take care, that such Resolutions and Orders of both houses, as have been, or shall be, sent down, be put in execution; and shall require the sheriff, justices of peace, and all other his majesty's officers and loving subjects, to be aiding and assisting unto you for that purpose. 3. You shall take care, that no Forces be raised for the forcing the Town of Hull, or otherwise to disturb the peace of the kingdom: and, in case any be raised, you shall require the sheriff, in the name of both houses, to command them to disperse themselves; and, if they refuse so to do, that then the sheriff, by the same authority, forthwith raise the power of the county, for suppressing of them; and you shall likewise by the same authority require the lord lieutenant appointed by the Ordinance of parl. and in his absence, the deputy lieutenants, to draw together the Trained-Bands, for the assistance of the sheriff in so doing. 4. Because it is not improbable that, under pretence of raising a Guard for his majesty's person, the knights, gentlemen, freeholders and others of the inhabitants, may be drawn together in the county of Lincoln, as we hear they have been in other places; you shall declare unto them and all others, That it hath ever been, and still shall be, the chief care and endeavour of the parliament to provide for his majesty's safety: That they do not know of any evil intended to his royal person, which should move him to take such a course: That his greatest safety is in the affection, duty, and faithful advice of his parliament; and his greatest danger in thus withdrawing himself from them, and proceeding in ways contrary unto them; so that the disaffected and malignant party, under colour of this service, go about to raise a faction and a party against the parliament; which at last, may break out into open rebellion, to the destruction of the king and people, if it be not (through the blessing of God) prevented by the wisdom and authority of parliament. 5. That, in case there be a necessity of raising the forces of the county for the suppressing of any insurrection and keeping the peace, you shall require sir J. Hotham to deliver such proportion of arms and ammunition out of the Magazine at Hull, as shall be necessary for that service; and you shall declare, That the parliament holds it lawful and necessary to dispose of the public Magazines of the kingdom, for the defence of the kingdom; as likewise for the suppression of the Rebellion in Ireland, which doth so much concern the safety of this kingdom: but that it is their intention, and resolution, to store them again; as holding it fit that such a preparation should be in readiness, upon all occasions, for the service of the king and defence of the common-wealth. 6. You

* This petition, with the names of the principal subscribers to it, will be found at p 1185.

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shall endeavour to clear the proceedings of the parliament from all imputations and aspersions; and shall, from time to time, certify us of all things you conceive necessary for the present service: and, that we may have a speedy account of it, and that our directions to you, as well as your advertisements to us, may have a clear and ready passage, you shall lay a strict charge upon all postmasters, that they do not suffer any letters, or other dispatches, to or from the parliament, to be intercepted or stayed: and, if any shall presume to make such stay of those dispatches, you shall direct the postmasters to repair to the justices of the peace, constables, and all other officers, for their aid and assistance; who are hereby required to take special care there may be no such interruption. 7. Those of you that are Commissioners for Hull shall repair there, as often as you shall see it needful for preservation of that town. 8. You shall be careful to require the lord Willoughby of Parham, lord lieutenant of the county of Lincoln, to send such numbers of the Trained-Bands and others, for the safeguard of the town of Hull, as you shall conceive to be needfull; according to the Order made by both houses in that behalf. 9. You shall take the best courses that may be, that all needful provisions be sent to the supply of the market at Hull, as it is usual, without any stop or interruption by water or land. 10. And, if you shall find any disaffected persons raising any parties or factions against the parliament, or spreading any scandals or aspersions upon their proceedings, like to disturb the peace of the kingdom; you shall cause all such persons, upon good proof of their misdemeanors, to be arrested and sent up to answer their offences, as to law and justice shall appertain. 11. You shall observe and execute all such further Directions and Instructions as you shall, from time to time, receive from both houses of parliament. 12. Whereas it doth appear to the lords and commons, that the king, seduced by wicked counsel, intends to make war against the parliament; therefore, if any person whatsoever shall endeavour to levy any soldiers, or to draw together any of the Trained-Bands, by colour or pretence of any commissions from his majesty, under the Great Seal or otherwise, you shall require a copy of such Warrant and Command; and you shall in the name, and by the authority, of both houses of parliament, require such persons to forbear the execution of any such: and you shall command and require all his majesty's subjects to forbear to obey any such command, till you shall have sent up the copy thereof to the parliament, and receive further directions from the lords and commons therein: It is also ordered by the lords and commons in parliament, That Francis lord Willoughby of Parham, lord lieut. of the county of Lincoln, shall be careful, from time to time, to supply and relieve the town of Hull; and that, upon any letter or request made unto him by sir J. Hotham, or any 4 of the Committee of both houses there residing.

13. Whereas, by Order of the lords and commons in parliament, made the 28th of April last, the earl of Stamford, the lord Willoughby of Parham, sir Edw. Ayscough, sir Christ. Wray, sir S. Owfield, and Mr. Hatcher, were appointed to repair to the county of Lincoln, and from thence to Kingston upon Hull; and, if there should be occasion, to any other part of Yorkshire, for the performance of certain Instructions therein expressed, as by that Order, and Instructions thereunto annexed, doth and may appear: It is this day ordered, That the former Order above mentioned shall still continue in force, and that sir Wm. Strickland, Mr. Allured, Mr. John Hotham, Mr. Peregrine Pelham, and Mr. Wharton, shall be added to the former Committee; and that the said earl of Stamford, the lord Willoughby of Parham, sir Edward Ayscough, sir C. Wray, sir S. Owfield, Mr. Hatcher, sir W. Strickland, Mr. Allured, Mr. J. Hotham, Mr. Peregrine Pelham, and Mr. Wharton, or any 4 of them, shall have full power to put the said forementioned Order and Instructions into execution: as likewise the Instructions under written, and all other Instructions which they shall hereafter receive from both houses of parliament. 1st, They shall assist sir J. Hotham, governor of Hull, with their best counsel and advice, and by all other means, for the safe keeping of that town for the security of the king and kingdom, in such manner as shall be requisite. 2dly, They shall take care to write to the lord lieut. of Lincolnshire, to send into Hull, for the defence thereof, such further supplies of Trained-Bands and others, as they find needful for the preservation of the town. 3dly, They shall be careful, that the remainder of the Magazine, thought fit to be stayed there for the defence of that town, be preserved from wastes and embezzling; and that a perfect account shall be kept of whatsoever arms, powder, or ammunition, shall be taken out by warrant from the governor, and how the same is employed. 4thly, If the ships laden with the Magazine be not gone, you are to hasten it as much as may be, and you shall require the captains of the other two ships appointed for the better security of Hull to remain there, and diligently to attend their charge: and you shall let those captains know, as likewise the other officers and the companies of the said ships, how well their readiness in this service of the king and kingdom is taken by both houses of parliament, and you shall give them therein all due and fit encouragement. 5thly, Whereas there was, heretofore, an Order made, That 500 arms, half of them pikes and corslets, and the other half muskets, borrowed of the county of Lincoln, and employed in his majesty's service at Berwick, should be restored out of the Magazine at Hull, according to his majesty's promise and direction in that behalf. 6thly, You shall desire sir J. Hotham to give present order that the like number of Arms, with swords and other furniture appertaining to so many pikes, corslets, and muskets, shall be forthwith delivered

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to such person or persons as shall be appointed by the lord-lieut. of the county of Lincoln, or any two of the deputy lieutenants thereof."

A Committee appointed to consider of Means to prevent a Civil War.] May 27. p. m. A message was brought up from the commons, to desire that the joint-committee, before appointed to consider of proper means for the present defence of the kingdom, might have power to take into consideration all things to procure and preserve the peace thereof, and to prevent a Civil War. Agreed to by the lords. Accordingly, the next day the earl of Northumberland, from the said committee, exhibited a draught of some Propositions, fit to be presented to the king; which were commanded to be read, and some alterations were made in them. They were then but 14 in all, but being sent down to the commons, they were by them increased to 19 Articles, as will be seen in their proper place.

Order to stop Arms and Ammunition going to York.] An Order was agreed to by both houses, directed to the sheriffs and others of the several counties, within 150 miles of York, to take care to stop all Arms and Ammunition carrying to that place. Likewise another to suppress the raising and coming together of any soldiers, horse or foot, by any warrant, order, or commission, from the king, &c. The preamble to these Orders begins thus, "Whereas it appears that the king, seduced by wicked counsel, intends to make war against his parliament, and under colour of a Guard, doth command troops, both of horse and foot, to assemble at York, &c. *"

The Magazine of Hull brought to London.] May 30. The lords were informed by the lord admiral, That he had received a Letter from the earl of Warwick, by the captains of the ships which brought the Magazine from Hull to London, that the said captains desire to be discharged from any further care of it; and he moved that a warrant might be granted for receiving the said Magazine into the Tower. The captains were called in, and, after having the thanks of the lords, for their care and diligence in this matter, they were recommended, with their seamen, to the commons, for some gratuity, to encourage others to do the like.

Lord Keeper Littleton's Petition to the Lords.] A Petition from the lord keeper Littleton was read, in these words:

To the right hon: the LORDS assembled in Parliament: The Humble PETITION of EDWARD LITTLETON, Lord Keeper of the Great Seal,

"Sheweth, That, in his person, he is very willing to submit to your lordships Order of the 23d of this instant May, so far as is possible for him to perform, he being in so weak a condition of body, as appears by the Affidavit annexed, that he is not able to travel towards Westminster without danger of his life: and further beseecheth your lordships to be informed of this truth, that Saturday last, about 2 o'clock in the afternoon, was the first time that he ever heard of his going to York; when he received his majesty's commands, under his sign manual and privy signet, to take his journey immediately, without reply or delay, towards York, and keep the same secret, whereunto he was enjoined upon his allegiance and fidelity and other obligations; which he taking into his consideration, with his oaths formerly taken, conceived he was bound in conscience to obey; and doth humbly beg your lordships pardon for not asking leave, which he could not possibly do, the house not sitting till Monday, and himself enjoined to take his journey instantly. And he further taketh the boldness to inform your lordships, that the king's majesty hath expressly commanded him, upon his allegiance, not to depart from him. And, lastly, beseecheth your lordships to continue him in your good opinion until he shall advise, or consent unto, any thing against the public good of this commonwealth; and he shall daily pray for your lordships increase of happiness.—EDWARD LITTLETON."

The AFFIDAVIT above referred to.

"Tobias Peaker, servant to the lord keeper, maketh oath, That upon Monday night last, being the 23d of this instant May, he conceived that his lord would then have died; and that he is at present troubled with divers infirmities and diseases, so that he is not able to travel without endangering of his life."—The consideration of this Petition was deferred to another time.

The King's Answer to the Parliament's Petition for disbanding his Guard.] Then the lord Wharton, speaker of the house of peers in the absence of the lord keeper, acquainted the lords that he had received a Letter from the king, commanding him to communicate the inclosed to them; which was an Answer to a Petition of both houses, concerning the disbanding of his Guard, which had been presented to him at York, May 22, along with those Votes of both houses wherein it was declared, That the king intended to make War against the Parliament. The Answer was in these words:

"We cannot but extremely wonder, that the causeless jealousies concerning us, raised and fomented by a Malignant Party in this kingdom, which desires nothing more than to snatch to themselves particular advantages out of a general combustion, (which means of advantage shall never be ministered to them by our fault or seeking) should not only be able to seduce a weak party in this our kingdom, but seem to find so much countenance even from both houses; as that our raising of a Guard, without further design than for the safety of our person, (an action so legal, in manner so peaceable, upon causes so evident

* These Orders are at length in Rushworth, vol. iv. p. 721, 2. and in Husband's Collections, p. 399, &c.

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and necessary) should not only be looked upon, and petitioned against by them, as a cause of jealousy, but declared to be the raising of a war against them, contrary to our former professions of our care of religion and law. And we no less wonder, that this action of ours should be said (in a very large expression) 'to be apprehended by the inhabitants of this county, as an affrightment and disturbance to our people,' having been as well received here, as it is every where to be justified; and (we speak now of the general, not of a few seduced particulars) assisted and sped by this county, with that loyal affection and alacrity as is a most excellent example set to the rest of the kingdom, of their care of our safety upon all occasions; and shall never be forgotten by us, nor, we hope, by our posterity; but shall be ever paid to them in that which is the proper expression of a prince's gratitude, a perpetual vigilant care to govern them justly, and to preserve the only rule by which they can be so governed, the law of the land. And we are confident, that if you were yourselves eye-witnesses, you would so see the contrary, as to give little present thanks, and hereafter little credit, to your informers: and if you have no better intelligence of the inclinations and affections of the rest of the kingdom, certainly the minds of our people (which to some ends and purposes you represent) are but ill represented unto you.—Have you, so many months together, not contented yourselves to rely for security (as your predecessors have done) upon the affection of the people; but, by your own single authority, raised to yourselves a Guard, and that sometimes of no ordinary numbers, and in no ordinary way; and could not all those pikes and protestations, that army on one side, and that navy on the other, persuade us to command you to disband your forces, and to content yourselves with your ordinary (that is, with no) Guard; or work in us an opinion, that you appeared to levy war against us, or had any further design? And is it possible that the same persons should be so apt to suspect and condemn us, who have been so unapt, in the same matter, (upon much more ground) to tax or suspect them? This is our case, notwithstanding the care and fidelity of our parliament; our fort is kept by armed men, against us; our proper goods, first detained from us, and then, contrary to our command, by strong hand, offered to be carried away; in which, at once, all our property, as a private person, and all our authority, as a king, are wrested from us: and yet for us to secure ourself in a legal way, that sir J. Hotham may not by the same forces, or by more raised by pretence of the same authority, (for they say he raiseth daily some, and we know it no new thing for him to pretend Orders that he cannot shew) continue the war that he hath levied against us, and as well imprison our person, as detain our goods; and as well shut us up in York, as shut us out of Hull, is said to be 'esteemed a cause of great jealousy to the parliament; a raising war against them; and of danger to the whole kingdom; while these injustices and indignities offered to us are countenanced by them, who ought to be most forward in our vindication and their punishment, in observance of their oaths and of the trust reposed in them by the people, and to avoid the dissolution of the present government: upon which case the whole world is to judge, whether we had not reason, not wholly to rely upon the care and fidelity of our parliament, (being so strangely blinded by malignant spirits, as not to perceive our injuries) but to take some care of our own person; and, in order to that, to make use of that authority which the laws declare to be in us: and whether this Petition, with such a threatening conclusion, accompanied with more threatening Votes, gives us not cause rather to increase than diminish our Guard; especially since we saw, before the Petition, a Printed Paper, dated the 17th of May, underwritten, Hen. Elsing, Cler. Parl. D. Com. commanding, in the name of both lords and commons, the sheriffs of all our counties to raise the power of all those our counties; to suppress such of our subjects, as, by any of our commands, shall be drawn together, and put (as that Paper calls it) in a posture of war; charging our officers and subjects to assist them in the performance thereof, at their perils: for though we cannot suspect that this Paper (or any bare Votes, not grounded upon law or reason, or quotation of repealed statutes) should have any ill influence upon our good people; who know their duties too well, not to know, that to take up arms against those, who, upon a legal command, (that is, ours) come together to a most legal end, (that is, our security and preservation) were to levy war against us; and who appear in this county (and we are confident they are so throughout the kingdom) no less satisfied with the legality, conveniency, and necessity of these our Guards, and no less sensible of the indignities and dangers which makes it necessary, than we are ourself; yet if that Paper be really the act of both houses, we cannot look upon it, but as the highest of scorns and indignities; first, to issue commands of force against us, and, after those have appeared useless, to offer, by Petition, to persuade us to that which that force should have effected.—We conclude this Answer to your Petition, with our counsel to you, That you join with us in exacting satisfaction for that unparalleled, and yet unpunished, action of sir J. Hotham; and that you command our fort and goods to be returned to our own hands: that you lay down all pretences (under pretence of necessity, or declaring what is law) to make laws without us, and, by consequence, make a cypher of us: That you declare effectually against Tumults, and call in such Pamphlets (punishing the authors and publishers of them) as, seditiously, endeavour to disable us from protecting our people; by weakening, by false aspersions, and new false

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doctrines, our authority with them, and their confidence in us. The particulars of which Tumults and Pamphlets we would, long since, have taken care that our learned counsel should have been enabled to give in evidence, if, upon our former offer, we had received any return of encouragement from you in it. And if you do this, you then (and hardly till then) will persuade the world, 'That you have discharged your duty to God, the trust reposed in you by the people, and the fundamental laws and constitutions of the kingdom, and employed your care and utmost power to secure the parliament,' (for we are still a part of the parliament, and shall be, till this well-founded monarchy be turned to a democracy) 'and to preserve the peace and quiet of the kingdom;' which, together with the defence of the Protestant profession, the Laws of the Land, and our own just Prerogative, (as a part of and a defence to those laws) have been the main end, which, in our consultations and actions, we proposed to ourself."

This day Mr. Pickering, a messenger, declared upon oath what lords he saw at York, and what he met going thither; on which it was ordered, That the said lords should be sent for to appear here, on the 8th of June next, or else the house would proceed to give judgment against them for their offence.

A Committee appointed to borrow Money of the Citizens of London.] May 31. The commons being still in great distress for want of Money, it was this day ordered, That a message be sent to the lords, to desire that a committee of both houses might be appointed to go to the city, and represent to them the great necessity they were in, at this time, for present Money; to inform them of the sum required, and the security for it; and to desire that these necessities might be recommended to the particular wards of the city. Ordered, also, That some members of this house be sent to the lord mayor, to desire him to call a common hall, to meet on Thursday next, the 2nd of June.

Order of Parliament against the King's disposing of the Jewels of the Crown.] June 1. At a conference, the commons exhibited an Order they had made against the pawning or selling the Jewels of the Crown: to this the lords agreed; an abstract of which is as follows: "Whereas it doth appear to the lords and commons in parliament, That the king, seduced by wicked counsel, doth intend to levy war against his parliament; and that the Jewels of the Crown, which, by the laws of the land ought not to be alienated, are either pawned or sold in Amsterdam, or some other parts abroad; and thereby great sums of money provided, to be returned to York, to the king's servants, or agents, for his use. And whereas it is more than probable, that this great provision of money, in such an extraordinary way, is to maintain their intended war, and thereby to bring the whole kingdom into utter ruin and confusion: it is therefore declared, by the lords and commons in parliament, that whosoever hath been, or shall be, an actor in the selling or pawning any of the said Jewels, or shall bring any money in specie into the kingdom, or shall accept of any bill from abroad, for the payment of any sum of money for or upon any of those Jewels, and shall pay such sum according to such bill, after notice of this order, &c. such person shall be held a promoter of this present war, and an enemy to the state; and ought to give satisfaction, out of his own estate, to the public."

The Parliament's Nineteen Propositions to the King.] This day, a Petition, with 19 Propositions annexed, was agreed on by both houses to be sent to their Committee at York, to be by them presented to the king, as a foundation for a final end of all differences between them. All which ran in hæc verba:

The HUMBLE PETITION and ADVICE of both Houses of PARLIAMENT, with Nineteen Propositions sent unto his MAJESTY, the 3rd of June, 1642.

"Your majesty's most humble and faithful subjects, the lords and commons in parliament, having nothing in their thoughts and desires more precious and of higher esteem (next to the honour and immediate service of God) than the just and faithful performance of their duty to your maj. and this kingdom; and being very sensible of the great distractions and distempers, and of the imminent dangers and calamities which those distractions and distempers are like to bring upon your maj. and your subjects: All which have proceeded from the subtle insinuations, mischievous practices, and evil counsels of men disaffected to God's true religion, your majesty's honour and safety, and the public peace and prosperity of your people; after a serious observation of the causes of those mischiefs, do, in all humility and sincerity, present to your maj. their most dutiful Petition and Advice, that out of your princely wisdom, for the establishing your own honour and safety, and gracious tenderness of the welfare and security of your subjects and dominions, you will be pleased to grant and accept these their humble desires and propositions; as the most necessary and effectual means, through God's blessing, of removing those jealousies and differences which have unhappily fallen betwixt you and your people, and procuring both your majesty and them a constant course of honour, peace, and happiness.

1. "That the lords and others of your majesty's privy council, and such great officers and ministers of state, either at home or beyond the seas, may be put from your privy council, and from those offices and employments, excepting such as shall be approved of by both houses of parliament; and that the persons put into places and employments of those that are removed, may be approved of by both houses of parliament; and that all privy counsellors shall take an oath for the due

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execution of their places, in such form as shall be agreed upon by both houses of parliament. 2. That the great affairs of the kingdom may not be concluded or transacted by the advice of private men, or by any unknown or unsworn counsellors; but that such matters as concern the public, and are proper for the high court of parliament, which is your majesty's great and supreme council, may be debated, resolved, and transacted only in parliament, and not elsewhere; and such as shall presume to do any thing to the contrary, shall be reserved to the censure and judgment of parliament: and such other matters of state as are proper for your majesty's privy council, shall be debated and concluded by such of the nobility and others as shall, from time to time, be chosen for that place, by approbation of both houses of parliament. That no public act concerning the affairs of the kingdom, which are proper for your privy council, may be esteemed of any validity, as proceeding from the royal authority, unless it be done by the advice and consent of the major part of your council, attested under their hands: and that your council may be limited to a certain number, not exceeding 25, nor under 15; and if any counsellor's place happen to be void in the intervals of parliament, it shall not be supplied without the assent of the major part of the council; which choice shall be confirmed at the next sitting of the parliament, or else to be void. 3. That the lord high steward of England, lord high constable, lord chancellor or lord keeper of the great seal, lord treasurer, lord privy seal, the earl marshal, lord admiral, warden of the Cinque-Ports, chief governor of Ireland, chancellor of the exchequer, master of the wards, secretaries of state, two chief justices and chief baron, may be always chosen with the approbation of both houses of parliament; and, in the intervals of parliament, by assent of the major part of the council, in such manner as is before expressed in the choice of counsellors. 4. That he, or they, unto whom the government and education of the king's children shall be committed, shall be approved of by both houses of parliament; and, in the intervals of parliament, by the assent of the major part of the council, in such manner as is before expressed in the choice of counsellors: and that all such servants as are now about them, against whom both houses shall have any just exception, shall be removed. 5. That no Marriage shall be concluded or treated, for any of the king's children, with any foreign prince, or other person whatsoever abroad, or at home, without the consent of parliament; under the penalty of a premunire unto such, as shall so conclude or treat any marriage as aforesaid. And that the said penalty shall not be pardoned or dispensed with, but by the consent of both houses of parliament. 6. That the laws in force against Jesuits, Priests, and Popish Recusants, be strictly put in execution, without any toleration or dispensation to the contrary; and that some more effectual course may be enacted, by authority of parliament, to disable them from making any disturbance in the state, or eluding the law by trusts, or otherwise. 7. That the Votes of Popish lords in the house of peers may be taken away, so long as they continue Papists; and that his majesty would consent to such a bill as shall be drawn, for the education of the children of Papists by Protestants in the protestant religion. 8. That your majesty will be pleased to consent, That such a Reformation may be made of the church-government and Liturgy, as both houses of parliament shall advise, wherein they intend to have consultations with divines, as is expressed in the Declaration to that purpose; and that your maj. will contribute your best assistance to them for the raising of a sufficient maintenance for preaching ministers throughout the kingdom: and that your maj. will be pleased to give your consent to laws for the taking away of innovations and superstition, and of pluralities, and against scandalous ministers. 9. That your majesty will be pleased to rest satisfied with that course that the lords and commons have appointed for ordering the Militia, until the same shall be further settled by a bill; and that you will recall your Declarations and Proclamations against the Ordinance made by the lords and commons concerning it. 10. That such members of either house of parliament as have, during this present parliament, been put out of any place and office, may either be restored to that place and office, or otherwise have satisfaction for the same, upon the petition of that house whereof he or they are members. 11. That all privy counsellors and judges may take an Oath, the form whereof to be agreed on, and settled by act of parliament, for the maintaining of the Petition of Right, and of certain statutes made by the parliament, which shall be mentioned by both houses of parliament: and that an inquiry of all the breaches and violations of those Laws may be given in charge, by the justices of the King's-bench, every term, and by the judges of assize in their Circuits, and Justices of Peace at the Sessions, to be presented and punished according to law. 12. That all the Judges and all officers, placed by approbation of both houses of parliament, may hold their places, Quamdiu bene se gesserint. 13. That the justice of parliament may pass upon all delinquents, whether they be within the kingdom, or fled out of it: and that all persons cited by either house of parliament, may appear and abide the censure of parliament. 14. That the General Pardon, offered by your majesty, may be granted with such exceptions as shall be advised by both houses of parliament. 15. That the Forts and Castles of this kingdom may be put under the command and custody of such persons, as your majesty shall appoint, with the approbation of your parliament; and in the intervals of parliament, with the approbation of the major part of the council, in such manner as is before expressed

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in the choice of counsellers. 16. That the extraordinary Guards, and Military forces, now attending your majesty, may be removed and discharged; and that for the future, you will raise no such guards, or extraordinary forces, but according to the law, in case of actual rebellion or invasion. 17. That your majesty will be pleased to enter into a more strict alliance with the States of the United Provinces, and other neighbouring princes and states of the Protestant Religion, for the defence and maintenance thereof against all designs and attempts of the Pope and his adherents to subvert and suppress it; whereby your majesty will obtain a great access of strength and reputation, and your subjects be much encouraged and enabled in a parliamentary way, for your aid and assistance, in restoring your royal sister and her princely issue to those dignities and dominions which belong unto them, and relieving the other distressed Protestant princes who have suffered in the same cause. 18. That your majesty will be pleased, by act of parliament, to clear the lord Kimbolton and the 5 Members of the house of commons, in such manner that future parliaments may be secured from the consequence of that evil precedent. 19. That your majesty will be graciously pleased to pass a Bill, 'For restraining Peers made hereafter from sitting or voting in parliament,' unless they be admitted thereunto with the consent of both houses of parliament."

"And these our humble desires being granted by your majesty, we shall forthwith apply ourselves to regulate your present Revenue, in such sort as may be for your best advantage; and likewise to settle such an ordinary and constant increase of it as shall be sufficient to support you royal dignity in honour and plenty, beyond the proportion of any former grants of the subjects of this kingdom to your majesty's royal predecessors. We shall likewise put the town of Hull into such hands as your majesty shall appoint, with the consent and approbation of parliament, and deliver up a just account of all the Magazine; and chearfully employ the uttermost of our power and endeavour, in the real expression and performance of our most dutiful and loyal affections, for preserving and maintaining the royal honour, greatness, and safety of your majesty and of your posterity."

The Commons order their Members to be summoned.] June 2. The commons ordered all their members to be summoned to appear in the house by the 16th under a penalty of 100*l.* for each absenter, to be employed in the wars of Ireland. Their committee at York were also required to order all the members who were there without leave of the house, to return to their duty in parliament: and to declare to them that their going away at this time, and continuance at York, is a great affront to the house, and a countenancing of the war intended against the parliament.

June 3. The committee sent into the city to borrow Money, for the service of Ireland, reported, That the citizens expressed great chearfulness and forwardness to further the Supply, and had promised to raise 100,000*l.* with all speed.

The earls of Northumberland and Pembroke exhibited Letters from the king, commanding their attendance on him at York; which the lords thought proper to forbid, and ordered them the thanks of the house for their respect in this matter. A Declaration was also ordered to be drawn up, setting forth the evil tendency of the king's sending for several of the lords to York; with the ill consequences and dangers thereof.

This day the lords read, a third time, a bill, 'For the calling an assembly of learned Divines, to be consulted with by parliament, for the settling the government and liturgy of the church, and for the vindicating and clearing the doctrine of the Church of England from false aspersions and interpretations.' On the question, resolved, That the bill do pass.

The Parliament borrow 100,000*l. from the Citizens of London.*] June 4. An Ordinance of parliament, as a security to several companies and citizens of the city of London, for their late loan of 100,000*l.* at 8 per cent. was agreed to by the lords; which has this preamble: "Whereas, amongst many other great and unexpressible blessings of Almighty God upon this parliament, it hath pleased him to stir up the hearts of many good and well-affected people, to yield their willing and ready help and assistance to the supply of the great and pressing necessities of this kingdom and the kingdom of Ireland; in which pious and charitable work the citizens of London, by their singular forwardness and good affection, have been exemplary to all other parts of this kingdom; and, in times of great exigence and necessity, have lent and advanced great Sums to the public use; and, as well by their purses and persons as other memorable services, contributed their effectual help to the parliament, for the support of this state and kingdom from apparent danger and destruction: and whereas the *said* citizens, in further manifestation of their constant fidelity and true affection to the public, have now again been moved to lend, &c."

Order for exercising the Militia.] To preserve the peace of the kingdom, the following Ordinance of parliament was this day agreed to, by which may be understood the Resolutions of both houses at this time:

"It is this day ordered by the lords and commons in parliament, That the deputy-lieutenants of the several and respective counties, within the kingdom of England and dominion of Wales, that are not members of the house of commons, be hereby required and enjoined to be present at the days and places which are or shall hereafter be appointed by the lord-lieutenants, or their deputies, for the training, mustering, and exercising of the inhabitants

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of the said counties; according to the authority given unto them by an Ordinance of both houses of parliament. And it is further ordered that all deputy-lieutenants, as well those that are members of the house of commons as others, shall give such dispatch by preparing of Warrants, Commissions, or Letters, and subscribing of the same, as the service shall require: and for such as shall refuse, or neglect so to do, that their names be certified unto us by their fellow-deputies, or any one of them, that shall or do perform the said service.—And it is further declared, That it is the intention of both houses, for the better encouragement of so good a work, so much conducing to the safety of his majesty's person and kingdoms, that some of their members at the times and places appointed, or to be appointed, for the execution of the said Ordinance, shall be sent down to give their personal attendance upon the said service."

The King's Answer to the Parliament's Remonstrance of the 26th of May.] About this time the king published his Answer to the parliament's Remonstrance of the 26th of May last; which was as follows:

"Though whosoever looks over the late Remonstrance, entituled, 'A Declaration of the Lords and Commons of the 26th of May,' will not think we have much reason to be pleased with it; yet we cannot but commend the plain dealing and ingenuity of the framers and contrivers of that Declaration, (which hath been wrought in a hotter and quicker forge than any of the rest) who would no longer suffer us to be affronted, by being told, 'They would make us a great and glorious king,' whilst they used all possible skill to seduce us to extreme want and indigency; and that 'They would make us to be loved at home, and feared abroad,' whilst they endeavoured, by all possible ways to render us odious to our subjects, and contemptible to all foreign princes; but, like round-dealing men, tell us in plain English, 'That they have done us no wrong, because we are not capable of receiving any; and That they have taken nothing from us, because we had never any thing of our own to lose.' If this doctrine be true, and that indeed we ought to be of no other consideration than they have informed our people in that Declaration, that gentleman is much more excusable, that said publickly (unreproved) 'That the happiness of this kingdom doth not depend on us, or upon any of the royal branches of that root;' and the other, who said, 'we were not worthy to be king of England:' language very monstrous to be allowed by either house of parliament, and of which, by the help of God and the law, we must have some examination. But we doubt not, all our good subjects do now plainly discern, through the mask and vizard of their hypocrisy, what their design is: and will no more look upon the framers and contrivers of that Declaration as both houses of parliament, (whose freedom and just privileges we will always maintain, and in whose behalf we are as much slandered as for ourself) but as a Faction of Malignant, Schismatical, and Ambitious Persons, whose design is, and always hath been, to alter the whole frame of government, both of church and state, and to subject both king and people to their own lawless arbitrary power and government; of whose persons, and of whose design, we shall, within a very short time, give our good subjects, and the world, a full, and, we hope, a satisfactory Narration.—The contrivers and penners of that Declaration (of whom we would be only understood to speak, when we mention any of their undutiful acts against us) tell you, 'That the great affairs of this kingdom, and the miserable and bleeding condition of the kingdom of Ireland, will afford them little leisure to spend their time in Declarations, Answers, and Replies.' Indeed the miserable and deplorable condition of both kingdoms would require somewhat else at their hands: but we would gladly know how they have spent their time since their recess, (now almost 8 months) but in Declarations, Remonstrances, and Invectives against us and our government, or in preparing matter for them. Have we invited them to any such expence of time, by beginning arguments of that nature? Their leisure, or their inclination, is not as they pretend: and what is their printing and publishing their Petitions to us, their Declarations and Remonstrances of us, their odious Votes and Resolutions, sometimes of one, and sometimes of both houses, against us (never in this manner communicated before this parliament) but an Appeal to the People? And in God's name, let them judge of the persons they have trusted.—Their first quarrel is (as it is always, to let them into their frank expressions of us and our actions) against the Malignant Party, whom they are pleased still to call, and never prove to be, our evil counsellors; but, indeed, nothing is more evident by their whole proceedings, than that by the Malignant Party they intend all the members of both houses, who agree not with them in their opinion, (hence have come their distinction of 'good' and 'bad' lords, of persons 'ill affected' in the house of commons, who have been proscribed, and their names listed and read in tumults) and all the persons of the kingdom, who approve not of their actions: so that if, in truth, they would be ingenuous, and name the persons they intend, Who would be the men, upon whom that imputation of Malignity would be cast, but they who have stood stoutly and immutably for the Religion, the Liberties, the Laws, for all public interests, so long as there was any to be stood for: they, who have always been, and are zealous Professors, and, some of them, as able and earnest Defenders of the Protestant doctrine against the Church of Rome, as any are; who have often and earnestly besought us to consent, 'That no indifferent and unnecessary Ceremony might be pressed upon weak and tender consciences,' and, 'That we would agree to a bill

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for that purpose:' they, to whose wisdom, courage, and counsel the kingdom oweth as much as it can to subjects; and upon whose unblemished lives envy itself can lay no imputation, nor endeavoured to lay any, until their virtues brought them to our knowledge and favour? Let the Contrivers of this Declaration be faithful to themselves, and consider all those persons of both houses, whom they, in their own consciences, know to dissent from them in the Matter and Language of that Declaration, and in all those undutiful actions, of which we complain; and will they not be found in honour, fortune, wisdom, reputation, and weight (if not in number) much superior to them? So much for the 'evil Counsellors.' Now, what is the 'evil Counsel' itself? Our coming from London (where we, and many whose affections to us are very eminent, were in danger every day to be torn in pieces) to York; where we, and all such who will put themselves under our protection, may live (we thank God, and the loyalty and affection of this good people) very securely: our not submitting ourself absolutely (and renouncing our own understanding) to the Votes and Resolutions of the contrivers of that Declaration, when they tell us, 'They are above us, and may' (by our own authority) 'do with us what they please;' and our not being contented, that all our good subjects lives and fortunes shall be disposed of by their Votes, but by the 'known law of the land:' this is the 'evil counsel' given and taken. And will not all men believe there needs much power and skill of the Malignant Party to infuse this counsel into us? And now apply the argument the contrivers of that Declaration make for themselves: 'Is it probable, or possible, such men whom we have mentioned (who must have so great a share in the misery) should take such pains in the procuring thereof, and spend so much time, and run so many hazards, to make themselves slaves, and to ruin the freedom of this nation?' We say, with a clear and upright conscience to God Almighty, 'Whosoever harbours the least thought in his breast of ruining or violating the public Liberty or Religion of this kingdom, or the just Freedom and Privilege of Parliament, let him be accursed; and he shall be no counsellor of ours that will not say, Amen.' For the contrivers of that Declaration, we have not said any thing which might imply any inclination in them to be Slaves: that which we have charged them with, is 'invading the public liberty;' and our presumption may be very strong and vehement, that (though they have no mind to be Slaves) they are not unwilling to be Tyrants: what is Tyranny, but to admit no rule to govern by but their own wills? And we know the misery of Athens was at the highest, when it suffered under the thirty Tyrants.—If that Declaration had told us (as indeed it might, and as, in justice, it ought to have done) that the Precedents of any of our Ancestors did fall short and much below what hath been done by us, this parliament, in point of grace and favour to our people, we should no otherwise have wondered at it, than at such a truth, in such a place: but when, to justify their having done more than ever their predecessors did, it tells our good subjects (as most injuriously, most insolently it doth) 'That the highest and most unwarrantable precedents of any of our predecessors do fall short, and much below what hath been done to them this parliament by us,' we must confess ourself amazed, and not able to understand them: and we must tell those ungrateful men (who dare tell their king, 'That they may, without want of modesty and duty, depose him') that the condition of our subjects, when (by whatsoever accidents and conjunctures of time) it was at the worst, under our power, (unto which, by no default of ours, they shall be ever again reduced) was, by many degrees, more pleasant and happy, than that to which their furious pretence of Reformation hath brought them: neither are we afraid of the highest precedents of other parliaments, which these men boldly (our good subjects will call it worse) tell us, 'They might without want of modesty and duty, make their patterns.' If we had no other security against those precedents, but their modesty and duty, we were in a miserable condition, as all persons will be who depend upon them. That Declaration will not allow our inference, 'That, by avowing the act of sir John Hotham, they do destroy the title and interest of all our subjects to their lands and goods;' but confesseth, 'if they were found guilty of that charge, it were indeed a very great crime.' And do they not, in this Declaration, admit themselves guilty of this very crime? Do they not say, 'Who doubts but that a parliament may dispose of any thing, wherein we or our subjects have a right, in such a way as that the kingdom may not be in danger thereby?' Do they not then call themselves 'This parliament' and challenge this power without our consent? Do they not extend this power to all cases, where the necessity or the common good of the kingdom is concerned? And do they not arrogate unto themselves alone the judgment of this danger, this necessity, this common good of the kingdom? What is, if this be not, to unsettle the security of all men's estates, and to expose them to an arbitrary power of their own? If a Faction shall at any time, by cunning or force, absence or accident, prevail over a major part of both houses; and pretend that they are evil counsellors, a Malignant Party about the king, by whom the liberty and religion of the kingdom are both in danger, (this they may do; they have done it) then they may take away, be it from the king or people, whatsoever they, in their Judgment, shall think fit: this is lawful; they have 'declared' it so. Let the world judge, whether we charge them unjustly, and whether they are not guilty of the crime, which themselves confess, being proved, is a great one; and how safely we might commit the power these people desire into their hands, who, in all probability, would be no sooner

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possessed of it, than they would revive that tragedy which Mr. Hooker relates of the Anabaptists in Germany; who, talking of nothing but faith, and of the true fear of God, and that riches and honour were vanity, at first, upon the great opinion of their humility, zeal, and devotion, procured much reverence and estimation with the people; after, finding how many persons they had ensnared with their hypocrisy, they began to propose to themselves to reform both the ecclesiastical and civil government of the state; then, because possibly they might meet with some opposition, they secretly entered into a league of association; and, shortly after, finding the power they had gotten with the credulous people, enriched themselves with all kind of spoil and pillage, and justified it upon our Saviour's promise, 'The Meek shall inherit the earth;' and declared their title was the same which the righteous Israelites had unto the goods of the wicked Egyptians: this story is worth the reading at large, and needs no application.—But we must by no means say 'That we have the same title to our town of Hull, and the ammunition there, as any of our subjects have to their lands or money;' that is 'a principle that pulls up the foundation of the liberty and property of every subject.' Why, pray? 'Because the king's property in his towns, and in his goods, bought with the public money' (as they conceive our magazine at Hull was) 'is inconsistent with the subjects property in their lands, goods, and liberty:' do these men think, that as they assume a power of declaring law, and whatsoever contradicts that Declaration breaks their Privileges; so that they have a power of declaring sense and reason, and imposing logic and syllogisms on the schools, as well as law upon the people? Doth not all mankind know, that several men may have several rights and interests in the self same house and land, and yet neither destroy the other? Is not the interest of the lord Paramount consistent with that of the Mesne lord, and his with that of the tenant, and yet their properties and interests not at all confounded? and why may not we then have a 'full lawful interest and property in our town of Hull, and yet our subjects have a property in their houses too? But we 'cannot sell or give away, at our pleasure, our towns and forts, as a private man may do his land or goods.' What then? Many men have no authority to let or set their leases, or sell their land; have they therefore no title to them, or interest in them? May they be taken from them, because they cannot sell them? The purpose of our journey to Hull was neither to sell it, or give it away.—But for the Magazine and the munition there, 'That we bought with our own money, we might surely have sold that, lent, or given it away.' No; 'we bought it with the public money;' and the proof is, 'They conceive it so;' and upon this conceit have voted, That it shall be taken from us. Excellent justice! Suppose we had kept this money by us, and not bought arms with it, would they have taken it from us upon that conceit? Nay, may they not wheresoever this money is (for through how many hands soever it hath passed, it is the public money still, if ever it were) seize it and take it from the owners? 'But the towns, forts, magazine, and kingdom is intrusted to us, and we are a person trusted.' We are so, God and the law hath trusted us, and we have taken an oath to discharge that trust for the good and safety of our people: what Oaths they have taken we know not, unless those which, in this violence, they have manifestly and maliciously violated. 'May any thing be taken from a man because he is trusted with it? Nay, may the person himself take away the thing he trusts, when he will, and in what manner he will? The law hath been otherwise, and we believe will be so held, notwithstanding their Declarations.—But this trust ought to be managed by their advice, and the kingdom hath trusted them for that purpose: impossible! That the same trust should be irrevocably committed to us and our heirs for ever, and the same trust, and a power above that trust (for such is the power they pretend) be committed to others: did not the people that sent them look upon them as a body but temporary, and dissoluble at our pleasure: and can it be believed, that they intended them for our guardians and comptrollers in the managing of that trust which God and the law hath granted to us and our posterity for ever? What the extent of their commission and trust is, nothing can better teach them, than the writ whereby they are met. We called them (and without that call they could not have come together) to be our counsellors, not commanders; (for however they frequently confound them, the offices are several) and counsellors, not in all things, but in some things, 'De quibusdam arduis,' &c. And they will easily find amongst their precedents, that queen Elizabeth (upon whose time all good men look with reverence) committed one Wentworth, a member of the house of commons, to the Tower, sitting the house, only for proposing 'That they might advise the queen in a matter she thought they had nothing to do to meddle in.'* But 'we are trusted:' and are we the only person trusted? And may they do what their own inclination and fury leads them to? Were not they trusted by us, when we first sent for them; and were they not trusted by us, when we passed them our promise that we would not dissolve them? Can it be presumed (and presumptions go far with them) that we trusted them with a power to destroy us, and to dissolve our government and authority? If the people might be allowed to make an equitable construction of the laws and statutes, (a doctrine avowed by them) would not all our subjects swear, we never intended by that act of continuance, that they should do what they have since done? Were they not trusted by those that have sent them? And

* See vol. i. p. 784.

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were they trusted to alter the government of church and state, and to make themselves perpetual dictators over the king and people? Did they intend that the law itself should be subject to their votes, and that whatsoever they say or do, should be lawful because they declare it so? The Oaths which they have taken who sent them, and without taking which themselves are not capable of their place in parliament, makes the one uncapable of giving, and the other of receiving, such a trust; unless they persuade our good subjects, That we are the only supreme head and governor in all causes, and over all persons, within our dominions; and yet that they have a power over us to constrain us to manage our trust, and govern our power according to their discretion.—The contrivers of that Declaration tell us, That they will never allow us (an humble and dutiful expression) to be judge of the law; that belongs only to them; they may and must judge and declare.' We all know what power the Pope, under the pretence of interpreting Scriptures, and declaring articles of faith (though he declines the making the one or the other) hath usurped over men's consciences; and that, under colour of having power of ordering all things for the good of men's souls, he intitles himself to all the kingdoms in the world. We will not accuse the framers of this Declaration (how bold soever they are with us) that they incline to Popery; of which another maxim is, 'That we must submit our reason and understanding, and the Scripture itself, to that declaring power of his!' Neither will we tell them, though they have told us so, that they use the very language of the rebels of Ireland: and yet they say those rebels declare, 'That whatsoever they do, is for the good of the king and kingdom.' But our good subjects will easily put the case to themselves, Whether, if the Papists in Ireland in truth were, or by act or accident had made themselves the major part of both houses of parliament there, and had pretended the trust (in that Declaration) from the kingdom of Ireland; and thereupon had voted their religion and liberty to be in danger of extirpation from a Malignant party of Protestants and Puritans; and therefore that they should put themselves into a posture of defence; that the forts and Militia of that kingdom were to be put into the hands of such persons as they could confide in: that we were indeed 'trusted' with the towns, forts, magazines, treasures, offices, and people of the kingdom, for the good, and safety, and best advantage thereof; but as this trust is for the use of the kingdom, so it ought to be managed by the advice of both houses of parliament, whom the kingdom had 'trusted' for that purpose; it being their duty to see it discharged according to the condition and true intent thereof, and by all possible means to prevent the contrary. We say, let all our good subjects consider, if that Rebellion had been plotted with this formality, and those circumstances declared to be legal, (at least, according to the equitable sense of the law) and to be for the public good, and justifiable by necessity; of which they were the only judges) whether, though they might have thought their design the more cunning, they would believe it the more justifiable? Nay, let the framers of this Declaration ask themselves, If the evil counsellors, the Malignant Party, the persons ill-affected, the Popish lords, and their adherents should prove now, or hereafter, to be a major part of both houses, (for it hath been declared a great part of both houses have been such, and so might have been the greater: nay, that the greater part of the house of peers was such, and we have not heard of any of their conversions: and thereupon it hath been earnestly pressed, That the minor part of the lords might join with the major part of the house of commons) were we bound to consent to all such alterations as these men should propose to us, and resolve to be for the public good; and must the liberty, property, and security of our subjects depend on what such votes should declare to be law? Was the Ordinance of the Militia unfit and unlawful, whilst the major part of the lords refused to join in it; (as they did two, if not three, several times; and it was never heard, before this parliament that they should be so, and so often, pressed after a dissent declared) and did it grow immediately necessary for the public safety, and lawful by the law of the land, as soon as so many of the dissenting peers were driven away, (after their names had been required at the bar, contrary to the freedom and foundation of parliaments) that the other opinion prevailed? Doth the life and liberty of the subject depend upon such accidents of days and hours, that it is impossible for him to know his right in either; God forbid! But now, to justify their Invasion of our antient, unquestioned, undoubted Right, settled and established on us and our posterity by God himself; confirmed and strengthened by all possible titles of compacts, laws, oaths, perpetual and uncontradicted custom by our people; what have they alledged 'to declare to the kingdom' as they say) 'the obligation that lyeth upon the king of this realm to pass all such bills, as are offered unto *them* by both houses of parliament?' (a thing *never* heard of till this day) an Oath (*authority* enough for them to break all theirs) that is, or ought to be, taken by the kings of this realm, which is, as well to remedy by law such inconveniences the kingdom may suffer, as to keep and protect the laws already in being: and the form of this Oath (they say) appears upon a record there cited, and by a clause in the preamble of a statute made in the 25th year of king Edw. 3. We are not enough acquainted with Records to know, whether that be fully and ingenuously cited, and when, and how, and why the several clauses have been inserted, or taken out of, the Oaths formerly administered to the kings of this realm; yet we cannot possibly imagine the assertion, that Declaration makes, can be deduced from the words, or the matter of that Oath; for, unless they have a power of

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declaring Latin as well as law, surely *elegerit* signifieth, 'hath chosen' as well as, 'will chuse;' and that it signifieth so here (besides the authority of the perpetual practice of succeeding ages, a better interpreter than their Votes) is evident by the reference it hath to customs; Consuetudines quas vulgus elegerit; and could that be a Custom which the people should chuse after this Oath taken, and should a king be sworn to defend such customs? Besides, can it be imagined that he should be bound by oath to pass such laws (and such a law is the bill they brought to us of the Militia) as should put the power, wherewith he is trusted, out of himself into the hands of other men: and so divest and disable him of all possible power to perform the great business of the oath, which is to protect them? If we give away all our power, or if it be taken from us, we cannot protect any man: and what discharge would it be, for us, either before God or man, (when our good subjects, whom God and the law hath committed to our charge, shall be worried and spoiled) to say, 'That we trusted others to protect them; that is, to do that duty for us, which is essentially and inseperably our own. But, that all our good subjects may see how faithfully these men (who assume this trust from them) desire to discharge their trust. we shall be contented to publish for their satisfaction (a matter notorious enough, but which we ourself never thought to have been put to publish, and which the farmers of that Declaration might as well have made use of as a Latin Record they knew many of our good subjects could not, and many of themselves do not, understand) the Oath itself we took at our Coronation, warranted and enjoined to it by the custom and directions of our predecessors; and the ceremony of their and our taking it, as they may find it in the Records of the Exchequer: this it is,

"The sermon being done, the archbishop goeth to the' king, and asks his willingness to take the Oath usually taken by his predecessors. The king sheweth himself willing, ariseth and goeth to the altar; the archbishop administreth these Questions, and the king answers them severally. *Episcopus.* Sir, will you grant and keep, and, by your Oath, confirm to the people of England, the laws and customs to them granted by the kings of England, your lawful and religious predecessors; and, namely, the laws, customs, and franchises granted to the clergy, by the glorious king St. Edward, your predecessor, according to the laws of God, the true profession of the Gospel established in this kingdom, and agreeable to the prerogative of the kings thereof, and the antient customs of this realm? *Rex.* I grant, and promise to keep them. —*Episcopus.* Sir, will you keep peace and godly agreement entirely, according to your power, both to God, the holy church, the clergy, and the people? *Rex.* I will keep it.—*Episcopus.* Sir, will you, to your power, cause law, justice, and discretion, in mercy and truth, to be executed in all your judgments? *Rex.* I will.—*Episcopus.* Sir, will you grant to hold and keep the laws and rightful customs which the commonalty of this your kingdom have; and will you defend and uphold them to the honour of God, so much as in you lieth? *Rex.* I grant, and promise so to do.—Then one of the bps. reads this Admonition to the king, before the people, with a loud voice. 'Our lord and king, we beseech you to pardon, and to grant, and to preserve unto us, and to the churches committed to our charge, all canonical privileges, and due law and justice; and that you would protect and defend us, as every good king, in his kingdom, ought to be protector and defender of the bishops, and the churches under their government.' The King answereth, 'With a willing and devout heart I promise and grant my pardon, and that I will preserve and maintain to you, and the churches committed to your charge, all canonical privileges, and due law and justice; and that I will be your protector and defender, to my power, by the assistance of God, as every good king, in his kingdom, in right ought to protect and defend the bishops, and churches under their government.' Then the king ariseth, and is led to the Communion Table, where he makes a solemn Oath, in sight of all the people, to observe the premisses; and, laying his hand upon the book, saith, 'The things which I have before promised I shall perform and keep: So help me God and the contents of this book'."

"Now, let all the world judge whether such doctrine, or such conclusions, as these men teach, can follow, or have the least pretence from this Oath.—For the preamble of the statute they cite, that tells us, 'That the king is bound to remedy, by law, the mischiefs and damages which happen to his people.' He is so: But is the king bound by the preamble of that statute, to renounce his own judgment, his own understanding, in these mischiefs, and of those remedies? How far forth he is obliged to follow the judgment of his parliament, that Declaration still confesseth to be a question. Without question none can take upon them to remedy, even mischiefs, but by law, for fear of greater mischiefs than those they go about to remedy.—But 'we are bound in justice to consent to their Proposals, because there is a trust reposed in us to preserve the kingdom, by making new laws.' We are glad there is so, then we are sure no new laws can be made without our consent; and that the gentleness of our Answer 'Le Roy s' avisera,' if it be no denial, is no consent, and then the matter is not great. They will allow us yet 'a greater latitude of granting or denying, as we shall think fit in public acts of grace, as Pardons or the like grants of favour.' Why do they so? If these pardons and public acts of grace be for the public good, (which they may vote they are) they will then be absolutely in their own disposal. But have they left us this power? They have sure at least shared it with us: how else have they got the power to pardon serjeant-

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major-general Skippon, (a new officer of state, and a subject we have no authority to send to speak with) and all other persons employed by them, and such as have employed themselves for them, not only for what they have done, but for what they shall do? If they have power to declare such actions to be no treason, which we would not pardon, and such actions to be treason, which need no pardon, the latitude they allow us, of granting or denying of pardons, is a jewel they may still be contented to suffer us to wear in our crown, and never think themselves the more in danger.—All this considered, the contriver of that Message, (since they will afford him no better title) whom they are angry with, doth not conceive the people of this land to be so void of common sense, as to believe us (who have denied no one thing for the ease and benefit of them, which in justice or prudence could be asked, or in honour and conscience could be granted) to have cast off all care of our subjects good; and the framers and devisers of that Declaration (who have endeavoured to render us odious to our subjects, and them disloyal to us, by pretending such a trust from them) to have only taken it up: neither, we are confident, will they be satisfied, when they feel the misery and the burdens which the fury and the malice of those people will bring upon them, with being told that calamity proceeds from evil Counsellors, whom no body can name; from Plots and Conspiracies, which no man can discover; and from Fears and Jealousies, which no man understands: and therefore that the consideration of it be left to the conscience, reason, affection, and loyalty of our good subjects, who do understand the government of this kingdom, we are well content.—Where will the folly and madness of these people end, who would have our people believe, 'That our absenting ourself from London, (where, with our safety, we could not stay) and the continuing our Magazine at Hull, proceeds from the secret plots of the Papists here, and to advance the designs of the Papists in Ireland? But it is no wonder that they, who can believe sir J. Hotham's shutting us out of Hull to be an act of affection and loyalty, will believe that the Papists or the Turks persuaded us to go thither. —And can any sober man think that Declaration to be the consent of either or both houses of parliament, unaltered either by fraud or force, which (after so many thanks and humble acknowledgment of our gracious favour in our Message of the 20th of January, so often and so unanimously presented unto us from both houses of parliament) tells us, 'That the Message at first was, and, as often as it hath been since mentioned by us, hath been a breach of privilege;' (of which they used not to be so negligent, as, in four months, not to complain, if such a breach had been) 'and that the way and method of proceeding should not be proposed to them;' as if we had only authority to call them together, none to tell them what they were to do, not so much as with reference to our own affairs: what their method hath been, and whither it hath led them, and brought the kingdom, all men see; what ours would have been, if seasonably and timely applied unto, let all men judge: we will speak no more of it.—But see now what excellent instances they have found out to prove an inclination, if not in us, in some about us, to a civil War: 'Their going with us to the house of commons;' (so often urged, and so fully answered) 'their attending on us to Hampton-Court, and appearing in a warlike manner at Kingston upon Thames; our going to Hull; their drawing their swords at York, demanding 'Who would be for the king;' the declaring sir J. Hotham traitor, before the Message sent to the parliament; the Propositions to the gentry in Yorkshire to assist us against him, before we had received an Answer from the parliament:' all desperate instances of an inclination to a Civil War! Examine them again: The Manner and Intent of our going to the house of commons, we set forth at large in our Answer to their Declaration of the 19th of May; let all men judge. Next, do these men themselves believe (to what purpose soever that rumour hath served their turns) that there was an appearance in warlike manner at Kingston upon Thames? Do they not know, that whensoever we have been at Hampton-Court, since our first coming to the crown, there was never a less appearance, or in a less warlike manner than at the time they mean We shall say no more, but that our appearance, in a warlike manner at Kingston upon Thames, and theirs at Kingston upon Hull, is very different. What is meant by the 'drawing of swords at York, and demanding, Who would be for the king,' must be inquired at London, for we believe very few in York understand the meaning of it. For our going to Hull, (which they will by no means endure should be called a visit) whether it were not the way to prevent, rather than to make a Civil War, is very obvious. And the declaring sir J. Hotham a traitor, in the very act of his treason, will never be thought unseasonable, but by those who believe him to be a loving and loyal subject; no more than the endeavouring to make the gentlemen of this county sensible of that treason (which they are in an honourable and dutiful degree) before we received our Answer from both houses of parliament: for if they had been (as we expected they should have been) sensible of that 'intolerable injury,' offered to us, might not we have had occasion to have used the affection of these gentlemen? Were we sure that sir J. Hotham, who had kept us out without their order, (we speak of a public order) would have let us in when they had bidden him? And if they had not such a sense of us, (as the case falls out to be) had we not more reason to make propositions to those gentlemen, whose readiness and affection we or our posterity, shall never forget. —But this business of Hull sticks still with them, and finding our questions hard, they are

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pleased to answer us by asking us other questions: no matter for the exceptions against the earl of Newcastle, (which have been so often urged as one of the principal grounds of their Fears and Jealousies, and which drew that question from us) they ask us, 'Why, since we held it necessary that a governor should be placed in Hull, sir J. Hotham should be refused by us, and the earl of Newcastle sent down?' We answer, Because we had a better opinion of the earl of Newcastle, than of sir J. Hotham; and desired to have such a governor over our towns, (if we must have any) as should keep them for, and not against, us: and if his going down were in a more private way than sir J. Hotham's, it was because we had not that authority to make a noise, by levying and billeting of soldiers, in a peaceable time, upon our good subjects, as it seems sir J. Hotham carried down with him. And the imputation which is cast by the way upon that earl, to make his reputation not so unblemished as we conceived, and the world believes it to be, and 'which, though it was not ground enough for a judicial proceeding,' (it is wonder it was not) 'was yet ground enough of suspicion,' must be the case of every subject in England, (and we wish it went no higher) if every vile aspersion contrived by unknown hands, upon unknown or unimaginable grounds (which is the way practised to bring any virtuous and deserving men into obloquy) shall receive the least credit or countenance in the world.—They tell us their exception to those gentlemen, who delivered their Petition to us at York, was, 'That they presumed to take upon them the style of all the gentry and inhabitants of that county;' whereas, they say, 'so many more, of as good quality as themselves, of that county, were of another opinion, and have since, by their Petition to us, disavowed that act:' their information in that point is no better than it useth to be; and they will find, that neither the number or the quality of those who have, or will disavow that Petition, are as they imagine; though too many weak persons are misled (which they do, and will every day more understand), by the faction, skill, and industry of that true Malignant Party, of which we do, and have reason to complain. They say, 'They have received no Petition of so strange a nature.' What nature? 'Contrary to the Votes of both houses:' that is, They have received no Petition which they had no mind to receive: but we told them, and we tell them again, and all our good subjects will tell them, That they have received Petitions, with joy and approbation, against the Votes of both houses of their predecessors, confirmed and established into laws by the consent of us and our ancestors; and allowed those Petitions to carry the style, and to seem to carry the desires of cities, towns, and counties, when of either city, town, or county very few known or considerable persons have been privy to such petitions: Whereas, in truth, the Petitions delivered to us (against which they except) carried not the style of all, but some of the gentry and inhabitants; and implied no other consent, than such as went visibly along with it.—But we are all this while in a mistake; 'the Magazine at Hull is not taken from us.' Who told you so? They who assure you (and whom, without 'breaking their privileges,' you must believe) that sir J. Hotham's shutting the gates against us, and resisting our entrance with armed men, (though we thought it in defiance of us) 'was indeed in obedience to us and our authority, and for our service, and the service of the kingdom: he was to let none in, but such as came with our authority signified by both houses of parliament;' (himself and they had ordered it so) and therefore he kept us out, only till we, or he, might send for their directions.' We know not whether the contrivers of that Declaration meant that our good subjects should so soon understand (though it was plain enough to be understood) the meaning of the 'king's authority signified by both houses of parliament.' But sure the world will now easily discern in what miserable case we had by this time been, (it is bad enough as it is) if we had consented to their Bill or to their Ordinance of the Militia, and given those men power to have raised all the arms of the kingdom against us (for the common good) by our own authority. Would they not, (as they have kept us from Hull) by this time, have 'beaten us from York, and pursued us out of the kingdom in our own behalf?' Nay, may not this munition (which is not taken from us) be employed against us? Not against our authority signified by both houses of parliament; but only to kill those ill Counsellors, the Malignant Party, which is about us; and yet for our good, for the public good, (they will declare it so) and so no treason within the statute of 25 Edw. 3. which by their interpretation, hath left us, (the king of England) absolutely less provided for in point of safety, than the meanest subject of the kingdom; and every subject of this land (for whose security that law was made, that they may know their duty, and their danger in breaking it) may be made a traitor, when these men please to say he is so. But do they think that, upon such an interpretation, (upon pretence of authority of Book-Cases and Precedents, which, without doubt, they would have cited if they had been to their purpose) out of which nothing can result but confusion to king and people, they will find any credit with our good subjects? and that so excellent a law, made both for security of king and people, shall be so eluded by an interpretation no learned lawyer in England will, at this hour, we believe, set under his hand, notwithstanding the authority of that Declaration; which, we hope, shall bring nothing but infamy upon the contrivers of it.—Now to their Privileges. Though it be true, they say, 'That their privileges do not extend to treason, felony, or breach of the peace, so as to exempt the members from all manner of

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process and trial; yet it doth privilege them in the way or method of their trial; the cause must first be brought before them, and their consent asked before you can proceed.' Why then their privileges extend as far in these cases, as in any that are most unquestioned; for no privilege whatsoever exempts them from 'all manner of process, and trial, if you first acquaint the house with it, and they give you leave to proceed by such process, or to that trial: But, by this rule, if a member of either house commit a murder, you must by no means meddle with him, till you have acquainted that house of which he is a member and received their direction for your proceeding; assuring yourself he will not stir from that place where you left him, till you return with their consent: 'should it be otherwise, it would be in the power of every private man, under pretence of murder, to take any man from his service in parliament, and so as many, one after another, as he pleaseth; and so consequently to make a parliament what he will and when he will;' If a member of either house shall take a purse at York, (he may as probably take a purse from a subject, as arms against his king) you must ride to London to know what to do; and he may ride with you and take a new purse every stage, and must not be apprehended, or declared a Felon, till you have asked that house of which he is a member: For, should it be otherwise, it might be in every private man's power to accuse as many members as he would of taking purses, and so bring a parliament (and consequently all parliaments) to nothing. Would these men be believed? And yet they make no doubt, 'but every one who hath taken the Protestation, will defend this doctrine with his life and fortune.' Will not our subjects believe, that they have imposed a pretty Protestation upon them, and that they had a very good end in the doing it, if it obligeth them to such hazards, to such undertakings? Must they forget or neglect our person, honour, and estate, which, by that protestation they are bound to defend, and in some degree do understand; and must they only venture their lives and fortunes to justify Privileges they know not, or ever heard of before? or are they bound by that Protestation to believe, that the framers of that Declaration have power to extend their own Privileges as far as they think fit, and to contract our rights as much as they please; and that they are bound to believe them in either and to venture their lives and fortunes in that quarrel? From declaring how mean a person we are, and how much the kingdom hath been mistaken in the understanding of the statute of 25 Ed. 3. concerning Treason; and that all men need not fear levying war against us, so they have their Order to warrant them, they proceed, in the spirit of declaring, to certify our subjects in the mistakings, which near 150 years have been received, concerning the statute of 11 Hen. 7. c. 1. (a statute our good subjects will read with comfort) and tell them, 'That the serving of the king, for the time being, cannot be meant of Perkin Warbeck, or of any that should call himself king, but such a one as is allowed and received by the parliament in the behalf of the kingdom;' and are we not so allowed? However through a dark mist of words, and urging their old Privileges, (which we hope we have sufficiently answered, and will be every day more confuted by the actions of our good subjects) they conclude, 'That those that shall guide themselves by the judgment of parliament (which they say is their own) ought, whatsoever happen, to be secure and free from all account and penalties, upon the ground and equity of that very statute.' How far their own chancellors may help them in that equity, we know not; but, by the help of God and that good law, we shall allow no such equity.—So then, here is the Doctrine of that Declaration, and these are the Positions of the Contrivers of it. 1. That they have an absolute Power of declaring the Law, and that whatsoever they declare to be so, ought not to be questioned by ourself, or any subject; so that all right and safety of us and our people must depend upon their pleasure. 2. That no Precedents can be limits to bound their Proceedings; so they may do what they please. 3. That a Parliament may dispose of any thing, wherein the king or subject hath a right, for the public good; that they, without the king, are this Parliament, and judge of this public good; and that our consent is not necessary: so the life and liberty of the subject, and all the good laws made for the security of them, may be disposed of and repealed by the major part of both houses, at any time present, and by any ways and means procured so to be; and we have no power to protect them. 4. That no member of either house ought to be troubled or meddled with for treason, felony, or any other crime, without the cause being first brought before them, that they may judge of the fact, and their leave obtained to proceed. 5. That the Sovereign Power resides in both houses of parliament, and that we have no negative voice: so then we ourself must be subject to their commands. 6. That the levying of Forces against the personal commands of the king, though accompanied with his presence, is not levying war against the king; but the levying war against his laws and authority, (which they have power to declare and signify) though not against his person, is levying war against the king; and that treason cannot be committed against his person, otherwise than as he is intrusted with the kingdom, and discharging that trust; and that they have a power to judge whether he discharge this trust or no. 7. That if they should make the highest precedents of other parliaments their patterns, there would be no cause to complain of want of modesty or duty in them: That is, they may depose us when they will, and are not to be blamed for so doing.—And now, as if the mere publishing of their Resolutions would not only prevail with the people, but in

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the instant destroy all spirit and courage in us to preserve our own rights and honour, they have since taken the boldness to assault us with certain Propositions, which they call 'the most necessary effectual means for removing those Jealousies and Differences between us and our people:' that is, that we will be content to divest ourself of all our regal rights and dignities; be content with the title of a king; and suffer them, according to their discretion, to govern us and the kingdom, and to dispose of our children. How suitable and agreeable this doctrine and these demands are to the affection of our loving subjects, under whose trust these men pretend to say and do these monstrous things; and to design, not only the ruin of our person, but of monarchy itself (which we may justly say, is more than ever was offered in any of our predecessors' times; for though the person of the king hath been sometimes unjustly deposed, yet the regal power was never, before this time, strucken at) we believe our good subjects will find some way to let them and the world know: and from this time such who have been misled by their ill counsels, to have any hand in the execution of the Militia, will see to what ends their service is designed; and therefore, if they shall presume hereafter to meddle in it, they must expect that we will immediately proceed against them as actual raisers of sedition, and as enemies to our Sovereign Power.—We have done: and shall now expect the worst actions these men have power to commit against us; worse words they cannot give us. And we doubt not but the major part of both houses of parliament, when they may come together with their honour and safety, (as well those who were surprized at the passing of it, and understood not the malice in it, and the confusion that must grow by it if believed, as those who were absent, or involved) will so far resent the indignity offered to us, the dishonour to themselves, and the mischief to the whole kingdom, by that Declaration, that they will speedily make the foul contrivers of it instances of their exemplary justice, and brand them and their doctrine with the marks of their perpetual scorn and indignation."

A sixth Letter from the Committee, with an Account of the King's Proceedings at York.] June 6. Both houses received intelligence from their Committee at York, concerning a prodigious meeting of gentlemen and freeholders, which had appeared, at his majesty's summons, on a Moor near that city, on the 3rd of this month. The particulars thereof, in a letter from lord Howard, one of the said committee, directed to the Speaker of the house of peers, was read in these words:

"My lord; According to the commands of the houses, we presented your Petition and Propositions to the king, yesterday morning; he heard them read, and told us, 'He would take some time to consider of an Answer.' I doubt not but the house will expect some account from me of the great meeting yesterday; yet I believe that no man can fully satisfy to what it tended, or make any judgment thereon, or what sense the county had of it: for, as nothing was offered to them by way of proposition, so nothing was said by them, only that divers times there was made a very great shout or noise. A printed Speech was there read, in divers places of the field, which some heard, but many thousands went away, saying, 'They could give no account of the cause of their being called together.' The number was very great, thought to be about 40,000; the king came to the place with the prince, the duke of York, the Prince Elector, and most of the lords that are in town; the regiment of horse, Trained Bands, his majesty's guard of horse of this county, his own servants and the soldiers that are about the town; with whom he rode about the field, stayed a little, and then departed.—A Petition was offered to his majesty, by sir Thomas Fairfax, in the name of many inhabitants of this county, but it was not accepted. There were but few gentlemen at this meeting, excepting those who put themselves upon the king's guard; this Summons being intended, by his majesty, only for the ministers, freeholders, copyholders, and farmers.—We continue to suffer still by the king's displeasure; for, when we were ready to take horse and accompany our countrymen, it pleased his majesty to send the earl of Newport to us with this message: 'That his maj. did command us that we should not go to the field, nor appear at all at this meeting.' To which we returned this Answer by the earl to his majesty, That we would obey his commands herein at this time; but that we protested, It was a very high breach of our liberty, as we were subjects and Yorkshiremen: That we humbly conceived we were under no restraint, at present, as prisoners; not having deserved any such affront or punishment, by any thing we had said or done: that there were divers parliament men there, (who, we were confident, had not done so good service to his majesty, in endeavouring the peace of the kingdom, as we had) who were not only admitted to this meeting, but had much respect from his majesty, while we suffered under these undeserved injuries: that though for the present we should forbear going, yet, if any thing should happen wherein our service should be required by our Instructions, we must and would be ready to come and perform it.' This Answer being sent accordingly, we resolved to stay at our lodgings, the place of the meeting being very near; and sent divers of our servants there, who we directed to give us particular notice of what passed; so that, if there had been occasion, we could presently have been upon the place, to have done any thing which had concerned our duties. We are informed that the earl of Newport hath, by his majesty's commands, sent forth Warrants, that the Recusants arms, deposited in any part of this county, shall be brought to York, for his majesty's service. This being, as we conceive,

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of some consequence, I thought it my duty to acquaint the house therewith; and shall ever remain, &c. EDW. HOWARD. York, June 4, 1642."

The King's Declaration to the Ministers, Freeholders, &c. of York.] A conference was held this day, between the two houses on the subject of the foregoing Letter, &c. the report of which was made to the lords, in the afternoon; wherein the commons presented their lordships a printed copy of the king's Declaration to the Ministers, Freeholders, Farmers, and substantial Copyholders, assembled by his majesty's special Summons at Heworth Moor, near York, on the third of this month; which was as follows:

"We would have you to be assured, that we never intended the least neglect unto you in any former Summons of the country; our love, as well as our protection, extending to all our subjects: but as you are a great body, time and conveniency must be observed in your assembling.—That you may know the general Reasons of our being here, you must understand, That when we found it neither safe nor honourable to expose our person to the tumultuous and licentious proceedings of many, (which to this day are unpunished) who did disorderly approach near our court at Whitehall, we trusted this part of our dominions chiefly to reside in; where, as most of the gentry already have, so we assure ourselves the rest of you will, give us clear testimony of your service and obedience; which we will never use otherwise than for the defence of the true orthodox religion, professed and settled in queen Elizabeth's time, and confirmed by the authority of the statutes of this realm; the defence of the laws and fundamental constitutions of this kingdom, as the justest measure and rule for our prerogative, and your liberties and rights; and, lastly, for the preservation of the peace of this kingdom.—As for our own zeal to the Protestant profession, we refer all the world to our daily exercise of it, and our Declarations concerning it, and to our execution of the laws against the Papists; so likewise we cannot but declare ourself most heartily sorry to find such Separatists and Schismatics, who presume, against the law, to foment new doctrines and disciplines to the disturbance of church and state.—For the law; it being the common inheritance of our people, we shall never inforce any prerogative of ours beyond it, but submit ourself to it; and give you, and all our subjects, the fullest latitude of it, both for the liberty of your persons, and the property of your estates. And for an inviolable confidence and assurance hereof, as we take God, the Searcher of all Hearts, to witness our real intention herein; so we shall no longer desire you to stand for the defence of our person, honour, and just prerogatives, than we shall maintain the laws of the land, the liberty of your persons, and the property of your goods.—And for the clear understanding of our resolutions to maintain peace, we may have the confidence and happiness to refer (against all Malignity whatsoever) to our former 16 years reign; (too long to dissemble our nature (if, in all this time, we never caused the effusion of one drop of blood, it must needs be thought, that, in our riper judgment in government, we should never open such issues as might drown us and our posterity in them: but we are sure to have no enemies, but in the defence of the true Protestant profession, the right of the established laws, and for the preservation of peace: and certainly all such as those must be yours as well as our enemies.—And to the end that this present posture, wherein we meet, should not affright you with the distempers of the times, (the example of the two houses having made us prepare for a Guard to us and our childrens persons) we wish you to look into the composition and constitution of it; and you will find it so far from the face or fear of war, that it serves to secure you, as well as us, from it; for our choice is of the prime gentry, and of one regiment of our Trained Bands, which cannot be thought to oppress the county, being their own, nor war with themselves. And we further assure you, we never intended to use foreigners or disaffected in religion; and, that you may fully assure yourselves of our sole dependency upon the love and service of our own people, to live and die with them, we have armed these our subjects; which had been most irrational, if we had ever intended to have used strangers. And further, you may perceive that we do receive none, but such as stand clear in loyalty and religion; for which reason we have caused the Oaths of Allegiance and Supremacy to be given them. Likewise, to prevent any distempers at home, we have and shall put the Trained Bands of all this our kingdom, under the command of persons of honour, confidence, and affection to their country; straitly charging, upon their allegiance, no officer to accept any command in them, nor soldiers to obey any, save such as are authorized by us. And for the prevention of any innovated power over you, you shall have us here to govern you, and the soldiery to protect you in peace, and to relieve you against all oppressions; for that, as we have told you before, must arise from some great violation, (which we hope God will prevent) and not from this preparation of our subjects. Therefore let none of you be affrighted with vain fears; if such a war should follow, it follows the authors home to their own doors; and such, by the confidence of our person with you, we assure ourself you are not.—Here we had left you to your fidelity and duty, had not some malicious insolence, in our former meetings, sent forth a most presumptuous Summons, deceiving our people, and presuming upon our royal authority; and these present themselves as great defenders of religion, peace, and liberty; whereas they become infectious and contagious to the people, seducing them into vain fancies and delusions, as may appear by

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their warrants, which we could trace to some pulpits, as we are credibly informed: and you see it were just in us to punish these as authors of sedition, but that it would be too great a favour; for it would honour them with the title of Martyrdom, for God's Cause, as they vainly pretend: but you may now see from whence this spirit comes, that would make us to be in the act of destruction of religion, and our person a disturber of the peace, and ready to introduce slavery.—These here are all the foreign forces we have, or ever shall intend to have, to act these great designs, notwithstanding the vain fears hitherto imagined. So that you see it is high time that these fancies were dispersed and driven away, that we might be repaired in honour and interest, and you enjoy the blessing of peace and happiness, the advancement whereof shall be our study and comfort: and therefore we shall, when you shall think it convenient time, ease you in the number of Trained Bands; and for your billet-money, it had been long since paid, but that no part of the Subsidies which we passed for that purpose, came to our hands; and we shall not be wanting, in any thing that lieth in us, for the full satisfaction thereof: but shall make our grace and bounty to you answerable to your best fidelity and loyalty, as occasion shall be offered to us."

A Petition offered by sir Tho. Fairfax, which the King refuses to accept.] Next was read a copy of the Petition of the county of York, which the king had refused to accept: viz.

To the King's Most Excellent Majesty; The humble PETITION of the Gentry, Ministers, Freeholders, and other inhabitants of the County of York.

"Sheweth; That this particular county (most affectionate to your majesty's service) hath willingly, for 3 years last past, been the stage whereon the tragical miseries (which necessarily accompany war and armies) have been represented and acted; whereby the general wealth and plenty of this county is exhausted and brought very low; which weight of miseries are sensibly become much more heavy by reason of your majesty's distance in residence, and difference in councils, from your great council the parliament; begetting great distempers and distractions throughout the kingdom, and have evidently, amongst us, produced factions and divisions; drawing to these parts great numbers of discontented persons, who, it may too justly be feared, do affect the public ruin for their private advantage.—All these evils are daily fomented, and grown more formidable, by your majesty's drawing together (as we conceive not according to law) many companies of the Trained Bands and others, both horse and foot, of this county; by your entertaining multitudes of commanders and cavaliers from other parts; by the daily resort of recusants, and persons disaffected in religion, to your majesty's court at York; and by the great preparation of arms and other warlike provisions. These beget in us fears of wars, to the great terror and amazement of us your majesty's peaceable subjects, and the great decay of all commerce and industrious courses for the wealth and prosperity of the country, especially of cloathing, which is the main subsistance of this county; and which is, since your majesty's residence with us, and the following distractions thereupon, suddenly obstructed; insomuch that many thousand families who are of, and have their livelihood by the trade of cloathing, are at the point of utter undoing; which inevitably will prove to be of dangerous consequence, and will be the inlet to our approaching and unavoidable ruin, unless your maj. graciously please to give redress by removing the causes, which will remove these miserable effects. It is too true that very many, in these and other parts of the kingdom, do wholly withdraw themselves from their former commerce and dealing; and others, both merchants and chapmen, do now generally refuse to make payments for goods long since sold and delivered; alledging that others refuse to pay them for any other commodities formerly sold, till the fears and distractions of the land be settled: This, if not suddenly prevented, will forthwith overturn all such ways of advantage and comfort, as have formerly made this kingdom, and this county in particular, prosperous and happy.—We do therefore, in all humility and duty, in the sense of our deplorable condition, beseech your maj. to pardon us if we importune your maj. more than others; since we have endured, and are in hazard, more than any; and that, from these apprehensions, we may offer to your maj. our earnest petitions for redress and prevention of these evils, daily threatening danger to your maj. and destruction to us; which we conceive is impossible any other way to be effected than by your majesty's entertaining a right understanding betwixt yourself and parliament; by inclining your gracious ear and consent to such councils and Propositions as shall be tendered, by them to your maj. for the honour and greatness of your maj. and posterity, and the good of the church and kingdom; by your majesty's declining all other councils whatsoever, and uniting of your confidence to your parliament: and that your maj. would in no way think fit to put us upon that rock of denying either the duty we owe to your majesty, or to your parliament and the whole kingdom, to which we are so deeply engaged by our Protestation; which your maj. to our knowledge, never dissented from nor declared against: and that, whilst your maj. expects our performance on our part thereof, we may not, being equally engaged, impeach at all or in the least degree go against our duty in the other; which we stand resolved, by no means either of fear or favour, to be drawn to do.—And we humbly intreat your maj. to take into consideration, That your parliament being the supreme judicatory of your kingdom, the very essence thereof must

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of very necessity be destroyed, if their counsels and determinations be subjected to alteration or reversal by the counsels or opinions of any private person, how learned or judicious soever: and, seeing your maj. hath most graciously passed an act, That this parliament shall not be dissolved nor adjourned without consent of your maj. and both houses, we do humbly beseech your maj. to take into your gracious and prudent thoughts that nothing may be done tending thereunto; and that the lords and great officers, now called hither by your majesty's command, may speedily be returned to the high court of parliament; whereby it may be evident to the world, that your maj. intends not to decline the law so enacted: and that, since your maj. hath graciously declared your confidence in the affections of this county, your maj. would not think it fit an extraordinary Guard should be raised thereout; and the cavaliers, and others of that quality, still continued about your maj. as men most useful, and as if kept for some design; they not having, for ought we know, either interest in, or affections to, the public good; their language and behaviour speaking nothing but division and wars, and their advantage consisting in that which is most destructive to others.—And, lastly, That since your maj. hath called in this county to attend your maj. this day, your Petitioners do most humbly supplicate, That none, either cavaliers or others, who in truth have not present fortunes in this county, may be admitted into any meeting, this day concerning the public business thereof; nor hereafter be present at any vote or consultation, when any further meeting may be, to prepare and consider of some fit Answer to what your majesty shall propound: We humbly conceiving it neither just nor equal (but a thing to be protested against) that any whomsoever should be thrust upon us as men of this county, that are not, by their fortune and residence, any part of us.—And now your petitioners do most heartily pray, That the God of Heaven, in whose hands are the hearts of kings, would this day incline your majesty's heart seriously to consider the present and imminent miseries that this your kingdom lies under; in the peace whereof visibly, under God, consists the preservation of the Protestant religion, the redemption of our brethren in Ireland, and the establishing of that kingdom to your majesty and posterity from those desperate and unparalleled rebels.—Your majesty's graciously granting of these your petitioners humble desires, (whatsoever may be said to the contrary) they are well assured, will abundantly redound to the glory of God, the honour and safety of your maj. and the good of your posterity. These are the only probable means, under God, to restore peace and plenty, and to make this your kingdom happy; besides the happy acquisition of your people's hearts, the greatest treasure of princes: all these will, graciously, represent your majesty's lively portraiture to him who is the Fountain of wisdom and piety, to whow we shall ever pray for your majesty's long and prosperous reign."

A Petition to the Parliament, on the King's Refusal of the former.] Then was read another Petition from the Gentry, &c. of the same county to the parliament, on occasion of the king's refusing to receive the former: viz.

To the right hon. the Lords and Commons in the High Court of Parliament assembled: The Humble PETITION of the Gentry, Ministers, Freeholders, and other Inhabitants of the County of York, assembled there, at his Majesty's Command, the 3rd of June 1642.

"We, being resolved humbly to petition his maj. for the Redress of those Grievances which we now lie under, did desire to have met in the Castle-yard at York; we conceiving it the fittest place to consider of such public affairs as concerned the county: this we were not only denied, but charge was given to the officer there, that we should not have admittance: when we assembled upon the place appointed by his majesty, and did acquaint the county, there met, with a form of a Petition, (the sense whereof they formerly approved of; and then, upon the reading thereof, generally consented to, and desired the same should be presented to his majesty) we were violently interrupted by the earl of Lindsey, who with a great troop attending him, in an imperious way, snatched out of a gentleman's hand of good quality, a copy of the aforementioned Petition, which, at the desire of the country, he was reading to them: and said, 'You are a company of traiterous rogues and villains,' and often lifted up his cane as if he would have struck him. Also a knight of this county was affronted by the lord Saville, upon his reading to himself the draught of a Petition upon the place aforesaid, the day above. First, his lordship told him, 'It was a pamphlet,' which he denied; thereupon the lord Saville demanded it of him, which he refusing to deliver, his lordship laid hands upon his sword, and almost plucked him from his horse; and took the Petition from him, saying, 'That he was labouring to sow seeds of sedition; and, if he would fight, there would be fighting enough.' Many of the said lord Saville's company also held up their canes at him; and one of them said, 'Hold your prating, it were good to cane you.' This provocation, had not the people been peaceably inclined, might have produced bloody effects; notwithstanding all which, and divers other insufferable injuries, so confident were we of his majesty's former profession, 'Never to refuse any Petition presented by his people to him in an humble way,' that we desisted not to wait our best opportunity to present the said Petition to his majesty; a Copy whereof we here humbly present unto your grave considerations, which his maj. notwithstanding, pleased not to accept of.—We therefore humbly desire these hon. houses well to weigh these particulars, and to take such course

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therein, as may tend to the preservation of our liberties, and the peace of the kingdom; and that you would be pleased to address yourselves to his majesty on our behalf, that, through your wisdoms, our desire may find better acceptation with his majesty. And we shall heartily pray, &c."

Sir J. Bourchier's Letter on the same Occasion.] Lastly, was read a copy of a Letter sent from York, by sir John Bourchier to sir Tho. Barrington, a member of the house of commons.

"Dear cousin; Yesterday, being at Heworth-Moor, seeing one reading something, I drew near to him, and by inquiry I found that it was a Petition, that was to be presented presently to his majesty; those that heard it read approved of it. Meeting with a friend, I inquired of him, if he had not the Petition, or a copy of it, which he told me, he had. I entreated him to lend it me, which accordingly he did: having read part of it, my lord Saville came with a great company, in a furious manner, and demanded what I did there; and told me, 'That I was reading some Pamphlet to the people, and that I was labouring to sow some seeds of sedition to seduce the king's subjects;' whereupon I told him, 'It was a Petition that I was reading privately to myself, which, upon his approach, I had put in my pocket.' My lord Saville, in an imperious manner, demanded of me, to deliver it to him, which I refused: then his lordship laid his hand upon the belt of my sword, and almost pulled me off my horse; and forced me to deliver the Petition to him. His lordship told me, 'If we loved fighting we should have fighting enough;' I answered, 'I came this day to labour for peace.' Before his lordship's departure, he told me, 'That he knew me well enough;' I answered his lordship, I hoped he knew no ill by me. Many that were with his lordship held up their canes, in a terrifying manner; and one of them said, 'Hold your prating, it were good to cane you:' and when his lordship and the rest were gone, one of them turned back, and bid me, 'be quiet, else I should be caned:' adding, 'That it were a good deed to put me in the stocks.' Afterwards, I being discoursing with sir Rd. Darley and some others, and telling them how I was affronted, even now, by my lord Saville; and formerly, having fire thrown into my coach, and some other affronts done unto me, which I have formerly told you of, one capt. Playne, who was one of my lord Saville's company, came up, and told me, 'I did ill to lay aspersions upon persons of honour; whereupon I told him, 'I did not lay it upon my lord, but only that I was so abused and affronted:' Upon due consideration, I verily believe he came to make some quarrel. Sir, upon my parting from you, you desired to hear from me here, I thought good to let you know thus much concerning myself. I rest, Your affectionate cousin to serve you, JOHN BOURCHIER. York, June 4, 1642."

The Parliament resolve to support the Yorkshire Petitioners.] The lords having taken into their consideration all the foregoing particulars, ordered, That the earl of Lindsey, lord great chamberlain, and the lord Saville should be apprehended by the sheriff of Yorkshire, and be conveyed, from sheriff to sheriff, to the house. These two lords were, at the same time, voted "Public Enemies of the State, and Incendiaries between the King and his People." The following Resolution was also agreed to by both houses: "The lords and commons, observing not only the wisdom, but the affections of the county of York, expressed in these Petitions; and likewise that they cannot be discouraged from their constant fidelity to the laws and government of this kingdom, which have their life and being from the parliament; have thought fit to declare their good acceptations of their affections; assuring them, That they will interest themselves in those their demands, which tend to the honour and safety of his majesty, and the peace of his kingdom; and may prove an effectual means to keep us from the desperate mischiefs, which those lords, that opposed this Petition, would have brought this kingdom unto."

The King's Proclamation forbidding Obedience to the Ordinance for the Militia.] The king having published, the latter end of last month, a Proclamation concerning the Militia, and the same having been communicated to the commons by their Committee at York, that house resolved to appoint another committee to prepare a Declaration in Answer thereto, to show how dangerously the Privileges of Parliament have been broken of late, even at this time, when the king professeth to rule by law; and the dangerous consequences of these breaches. This Declaration, having gone through several alterations by the commons, was at length passed, and ordered to be sent up to the lords by Mr. Pym. Their lordships having agreed thereto, it was, by order of both houses, printed and published this day. But first we shall give the Proclamation itself: viz.

By the KING: A PROCLAMATION forbidding all his majesty's subjects, belonging to the Trained Bands or Militia of this kingdom, to rise, march, muster, or exercise, by virtue of any Order or Ordinance of one or both houses of Parliament, without consent or warrant from his majesty, upon pain of punishment according to the laws.

"Whereas, by the statute made in the 7th year of king Edw. I, 'the prelates, earls, barons and commonalty of the realm, affirmed in parl. That to the king it belongeth, and his part it is, by his royal seigniory, straitly to defend wearing of armour, and all other force against the peace, at all times when it shall please him, and to punish them which shall do contrary according to the laws and usages of the realm; and hereunto all subjects are bound to aid the king as their sovereign lord, at all seasons when need shall be: and whereas we un-

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derstand that, expressly contrary to the said statute, and other good laws of this our kingdom, under colour and pretence of an Ordinance of Parliament, without our consent, or any commission or warrant from us, the Trained Bands and Militia of this kingdom have been lately, and are intended to be, put in arms, and drawn into companies in a warlike manner, whereby the peace and quiet of our subjects is, or may be, disturbed: we being desirous, by all gracious and fair admonitions, to prevent that some malignant persons in this our kingdom do not, by degrees, seduce our good subjects from their due obedience to us and the laws of this our kingdom; subtily endeavouring, by a general combustion or confusion, to hide their mischievous designs and intentions against the peace of this our kingdom; and, under a specious pretence of putting our Trained Bands into a posture, to draw and engage our good subjects in a warlike opposition against us, as our town of Hull is already by the treason of sir J. Hotham; who, at first, pretended to put a garrison into the same only for our security and service: we do therefore, by this our Proclamation, expressly charge and command all our sheriffs, and all colonels, lieutenant-colonels, serjeant-majors, captains, officers, and soldiers belonging to the Trained Bands of this our kingdom, and likewise all high and petty constables, and other our officers and subjects whatsoever, upon their allegiance, and as they tender the peace of this our kingdom, not to muster, levy, rise, or march, or to summon or warn, upon any Warrant, Order, or Ordinance, from one or both our houses of Parliament, (whereto we have not, or shall not give our express consent) any of our Trained Bands; or other forces, to rise, muster, march, or exercise, without express warrant under our hand, or warrant from our sheriff of the county, grounded upon a particular writ to that purpose, under our great seal. And in case any of our Trained Bands shall rise, or gather together, contrary to this our command, we shall then call them in due time to a strict account; and proceed legally against them as violaters of the laws, and disturbers of the peace of the kingdom. Given at our Court at York, the 27th day of May, 1642."

The Parliament's DECLARATION, in Answer to the foregoing PROCLAMATION.

"The lords and commons, having perused his majesty's Proclamation, forbidding all his majesty's subjects belonging to the Trained Bands or Militia of this kingdom, to rise, march, muster, or exercise, by virtue of any Order or Ordinance of one or both houses of parliament, without consent or warrant from his majesty, upon pain of punishment according to the laws: do thereupon declare, That neither the statute of 7 Edw. I. therein vouched, nor any other law of this kingdom, doth restrain or make void the Ordinance agreed upon by both houses of parliament for the ordering and disposing of the Militia of the kingdom, in this time of extreme and imminent danger; nor expose his majesty's subjects to any punishment for obeying the same, notwithstanding that his majesty hath refused to give his consent to that Ordinance; but ought to be obeyed by the fundamental laws of this kingdom. —The Statute of 7 Edw. I. Anno 1279, quoted in his majesty's Proclamation, runneth thus: 'The king to the justices of his bench sending greeting: Whereas of late, before certain persons deputed to treat upon sundry debates had between us and certain great men of our realm, amongst other things, it was accorded, That, in our next parliament, after provision shall be made by us and the common assent of the prelates, earls, and barons, that in all parliaments, treaties, and other assemblies which should be made in the realm of England for ever, every man shall come without all force and armour, well and peaceably, to the honour of us, and the peace of us and our realm; and now, in our next parliament, at Westminster, after the said treaties, the prelates, earls, barons, and the commonalty of our realm there assembled to take advice of this business, have said, That to us it belongeth, and our part is, through our royal seigniority, straitly to defend force of armour, and all other force against our peace, at all times when it shall please us; and to punish them which shall do contrary, according to our laws and usages of our realm; and hereunto they are bound to aid us, as their sovereign lord, at all seasons when need shall be: we command you that you cause these things to be read afore you in the said bench, and there to be enrolled. Given at Westminster the 30th day of October.'—The occasion of this Declaration for the restraint of armed men, from coming to the parliament to disturb the peace of it, is very improperly alledged for the maintenance of such levies as are now raised against the parliament; the title of the Statute being thus, 'To all parliaments and treaties every man shall come without force and arms:' so that the question is not, Whether it belong to the king or no to restrain such force; but, if the king shall refuse to discharge that duty and trust, whether there is not a power in the two houses to provide for the safety of the parliament, and the peace of the kingdom? Which is the end for which the Ordinance for the Militia was made; and, being agreeable to the scope and purpose of the law, cannot, in reason, be adjudged contrary to it; for although the law do affirm it to be in the king, yet it doth not exclude those in whom the law hath placed a power for that purpose, as in the courts of justice, in sheriffs, and other officers and ministers of those courts; and though their power is derived from the king by his patents, yet it cannot be restrained by his majesty's command, by his great seal, or otherwise; much less can the power of parliament be concluded by his majesty's command, because the authority thereof is of a higher and more eminent nature than any of those courts.

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—It is acknowledged that the king is the fountain of justice and protection; but the acts of justice and protection are not exercised in his own person, nor depend upon his pleasure; but by his courts, and by his ministers, who must do their duty therein, though the king, in his own person, should forbid them; and therefore, if judgments should be given by them against the king's will and personal command, yet are they the king's judgments.—The high court of parliament is not only a court of judicature, (enabled by the laws to adjudge and determine the rights and liberties of the kingdom against such patents and grants of his majesty as are prejudicial thereunto, although strengthened both by his personal commands, and by his proclamation under the great seal; but it is likewise a council to provide for the necessity, to prevent the imminent dangers, and preserve the public peace and safety of the kingdom, and to declare the king's pleasure in those things as are requisite thereunto; and what they do herein hath the stamp of royal authority, although his majesty, seduced by evil counsel, do, in his own person, oppose or interrupt the same; for the king's supreme power and royal pleasure is exercised and declared in this high court of law and council, after a more eminent and obligatory manner, than it can be by any personal act or resolution of his own.—Seeing therefore the lords and commons, which are his majesty's greatest and highest council, have ordained, That, for the present and necessary defence of the realm, the Trained Bands and Militia of this kingdom should be ordered according to that Ordinance; and that the town of Hull should be committed to the custody of sir J. Hotham, to be preserved from the attempts of Papists and other Malignant persons, who thereby might put the kingdom into a combustion: This is so far from being a force against the king's peace, that it is necessary for the keeping and securing thereof, and for that end alone is intended; and all his majesty's loving subjects, as well by that law, as by other laws, are bound to be obedient thereunto; and what they do therein is, according to that law, to be interpreted to be done in aid of the king, in discharge of that trust which he is tied to perform; and it is so far from being liable to punishment, that if they should refuse to do it, or be persuaded by any commission or command of his majesty to do the contrary, they might justly be punished for the same according to the laws and usages of the realm; for the king, by his sovereignty is not enabled to destroy his people, but to protect and defend them; and the high court of parliament, and all other his majesty's officers and ministers, ought to be subservient to that power and authority which law hath placed in his majesty to that purpose, though he himself, in his own person, should neglect the same:—Therefore the lords and commons do declare the said Proclamation to be void in law, and of none effect: for that, by the constitution and policy of this kingdom, the king, by his proclamation, cannot declare the law contrary to the judgment and resolution of any of the inferior courts of justice, much less against the high court of parliament; for if it were admitted, That the king, by his proclamation, may declare a law, thereby his proclamations will, in effect, become laws: which would turn to the subverting of the law of the land and the rights and liberties of the subjects.—And the lords and commons do require and command all constables, petty constables, and all other his majesty's officers and subjects whatsoever, to muster, levy, rise, march and exercise; or to summon or warn any, upon warrant from the lieutenants, deputy-lieutenants, captains, or other officers of the Trained Bands, and all others according to the said Ordinance of both houses; and shall not presume to muster, levy, rise, march, or exercise, by virtue of any commission or other authority whatsoever, as they will answer the contrary at their peril: and in their so doing they do further declare, That they shall be protected by the power and authority of both houses of parliament; and that whosoever shall oppose, question, or hinder them in the execution of the said Ordinance, shall be proceeded against as violaters of the laws, and disturbers of the peace of the kingdom."

Letter to the Lords from 9 Peers at York.] June 7. p. m. A Letter directed to the Speaker of the house of lords, was read as follows:

"My lord; We, whose names are underwritten, have received a Summons, dated the 30th day of May, to appear, the 8th of June, at the bar of the house of peers; we are come here to York, at this time, to pay a willing obedience to his majesty's commands, signified by letter under his hand, which commands, remain upon us still; and so we rest Your lordships affectionate servants, Northampton, Will. Devonshire, Monmouth, R. Rich, Hen. Dover, Grev of Ruthin, C. Howard, Tho. Coventrey, Arthur Capel. York, June 5, 1642."

Ordered, That this Letter be taken into consideration to-morrow; and that all the lords in town have notice to be present.

Letter from Lord Willoughby, concerning the Militia.] June 8. The commons received a message from the lords, desiring a present conference concerning certain Letters from the lord Willoughby of Parham, lord lieut. of Lincolnshire, which was agreed to. Soon after Mr. Hollis reported, That those Letters concerned some passages touching the Militia in that county; and delivered the same to the house, which were read as follows:

"My lord; I received a letter from your lordship, in which the house is pleased to do me a very great honour, far above any desert of mine, and little expected by me: For, my lord, I well know my obedience ties me to fulfil their commands; and in what I have done, I have done but my duty, and that which every honest man ought to do, and oweth of right to

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the parliament; and whosoever hath that principle in him, it will dictate to him as much, and keep him from other bye-ways. And for my own part, my heart ever was, and shall ever be, both forward and ready to obey their lordships commands in all things, both with integrity and industry, and God's curse light upon him and his, that carries any other heart about him.—My lord, it is too mean a way for me to express my acknowledgment, in paper, to the house for this high favour, which I have received by your lordship's letter. I hope to make it appear to their lordships, by my actions, that I am not an ungrateful servant.—It is a great encouragment to these parts, their lordships Resolutions, in giving their commands to have the rest of the Militia put in present execution; and truly, my lord, it was out of that regard that I did intimate it to my lord of Essex; as holding it a thing much conducing to the public good, and the only remedy to cure these distractions which the kingdom is in, not out of any regard to myself; for I know, if I suffer in executing their lordships commands, it must be against their wills; and when that day comes, I will not give a straw for all I have, were I but a looker-on. My lord, as I was this day at Lincoln, where I appointed to begin to muster, there came a messenger from his majesty, with this Letter; which I held it my duty to acquaint the house with, and likewise my Answer; and, as at Lincoln, so in all other places, I shall be ready to serve your lordship as Your most humble Servant, F. WILLOUGHBY. Lincoln, June 6, 1642." P.S. My lord, ere my letter was sealed up, I could not but give your lordship an account in how good a posture I found the Trained Bands of Lincoln, which was far beyond my expectation; considering the unhappiness in the sickness being spread in the town, which hindered the appearance of some: but, truly, my lord, that was fully supplied by a company of volunteers, equal in number and goodness of arms to the Trained Bands."

The King's Letter to lord Willoughby of Parham.

"C. R. Right trusty and well-beloved, we greet you well. Whereas we understand that you have begun to assemble, train, and muster the Trained Bands of our county of Lincoln, under pretence of an Ordinance of Parliament, whereto we have not given our consent; which is not only contrary to law, but to our command and pleasure, signified by our Proclamation sent to the sheriff of that our county: wherefore, that you may not hereafter plead ignorance of such our prohibition, we do, by these our letters, command and charge you, upon your allegiance, to desist and forbear to raise, muster, train, exercise, or assemble together any part of the Trained Bands of that our county, either by yourself, or by any others employed under you, or by warrant from you. And because you may, for what you have already done concerning the Militia of that our county, plead that you had not so particular a command, we shall pass by what you have already done therein; so as presently, upon your receipt hereof, you shall desist and give over meddling any further with any thing belonging to the Militia of that our county; but if you shall not presently desist and forbear meddling therewith, we are resolved to call you to a strict account for your disobedience therein, after so many particular and legal commands given you, upon your allegiance to the contrary, and shall esteem and proceed against you as a disturber of the peace of our kingdom. Given at our court at York, June 4, 1642."

Lord Willoughby's Answer to his Majesty.

"Sir; As there can be nothing of greater unhappiness to me, than to receive a command from your majesty, whereunto my endeavours cannot give so ready an obedience, as my affections; so I must confess the difficulty, at this time, not a little, how to express that duty which I owe to your majesty's late commands, and not falsify that trust reposed in me by your high court of parliament; through whose particular directions I am now come into this county to settle the Militia, according to the Ordinance of parliament; which by the votes of my lord Lyttleton, and others in the house of peers better versed in the laws than myself, passed as a legal thing; and hath since been confirmed, if I mistake not, by his example, and your majesty's chief justice, sir John Bankes; both in their accepting commissions under that Ordinance, and nominating their deputy-lieutenants: How much farther they proceeded, I know not.—But, sir, if the opinions of those great lawyers drew me into an act unsuitable to your majesty's liking, I hope the want of years will excuse my want of judgment. And since, by the command of the parliament, I am now so far engaged in their service, as the sending out warrants to summon the county to meet me this day at Lincoln, and afterwards in other places, I do most humbly beseech your majesty not to impose that command upon me, which must needs render me false to those that rely on me; and so make me more unhappy than any other misery that can fall upon me.—These things, sir, I once more humbly beseech your majesty may be taken into your gracious consideration; and that you would never be pleased to harbour any misconceit of me, or of this action; since nothing hath yet passed by my commands here, or ever shall, but what shall tend to the honour and safety of your majesty's person, to the preservation of the peace of your kingdom, and to the content, I hope, of all your majesty's subjects in these parts; amongst which I remain, Your majesty's, &c. F. WILLOUGHBY."

The Lords resolve to support the lord Willoughby.] Mr. Hollis also acquainted the house, That the lords had passed a Vote upon occasion of the foregoing Letters, to which they desired the commons concurrence, in hac

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verba: "The lords have thought fit to let you know, how much they value and improve the endeavours of this lord, in a service so much importing the safety of this kingdom; and they doubt not of your readiness to concur with them, upon all occasions, to the manifest sense they have, and shall retain, of his deservings; which appear the greater, by how much the difficulties (by those circumstances you have heard read) have been greater. And as my lords resolve to make his interest their own, in this service, for the public good, and safety of this kingdom, so they desire you to join with them, in so good and necessary a work."—The commons agreed to this vote; which, together with the Letters, were ordered to be printed and published.

The Lords pass a Vote against the 9 Peers.] This day the lords took into consideration the Letter from the Nine Peers at York, and agreed upon a conference with the other house about it, expressing their sense of the matter in the following manner:—"The lords having received a letter from diverse of their members, who have withdrawn themselves from their attendance in parliament, contrary to the express orders and commands of this house; though this affront be to their own house, and by their own members, yet, as it concerns the safety of the kingdom, and the very being of parl. in the consequence of it the lords, in that respect, thought it fit to communicate it to the commons; that both houses may, jointly, endeavour to prevent such practices and designs as, by the Malignant Party and the ill-affected members of both houses, may be undertaken, to the dissolution of the parliament, unvalidating the acts and authority thereof, or raising a power in opposition thereunto; which the lords cannot but conceive those lords are encouraged unto by the counsels now prevailing, and the forces now raising at York; otherwise it is not imaginable, after a vote passed by both houses, That it appeared the king, seduced by wicked counsel, intended to make war against his parliament, they would have taken the boldness to have left the house, in contempt of the command thereof, and have gone to York; and, being summoned to appear, would have remained there notwithstanding, and have returned so slight and scornful an answer."

Informations of the King's raising Troops.] June 9. The lords having desired to know of the commons, at a conference, what real informations they have had, that the king had sent out Summons into the county of York, and other counties, for raising of troops, &c. under colour of his majesty's service, with large offers to those that would come in, the commons answered, That they had received intelligence, at the bar, that the king had sent to summon Lancashire, Cumberland, and Westmoreland; and that some of their members had letters of the same; but they are willing to drop those counties, it being notorious only in Yorkshire.

A Subscription set on foot by both Houses, of Money and Horses.] June 10. A message was brought from the commons, declaring, That their members had entered into an engagement, separately, to bring in Money, Plate, and Horses, for the public use; as the only remedy to maintain the Protestant religion, the king's authority, and his person in his royal dignity; the free course of justice, the laws of the land, the peace of the kingdom, and the privileges of parliament. They also hoped their lordships would put the same in execution, and declare themselves and their affections, what they would do therein, since they had more to lose than the house of commons.* Hereupon the lords present subscribed to bring in as follows:

	£.	Horses
The Lord Admiral, earl of Northumberland	2000	
Earl of Essex	1000	20
Earl of Holland		30
Earl of Pembroke	1000	40
Earl of Bedford	800	
Earl of Leicester, lord lieutenant, going for Ireland		
Earl of Bolingbroke	500	20
Earl of Lincoln		20
Lord Say and Sele	1000	
Earl of Bristol desired some time to consider of it.		
Lord Paget		10
Lord Kimbolton		10
Lord Roberts	1000	
Lord Brooke	1000	20
Lord Grey de Werk	1000	
Lord Fielding	500	
Lord North	200	
Lord St. John		10
Lord Rochfort		10
Lord Wharton	300	6

The horsemen were all to be compleatly armed, and many of the lords engaged to serve in person.

Proposition for bringing in Plate, Money, &c.] A committee of lords was appointed to receive the Answers of those lords who were absent, how far they would act in this affair; the Judges and other assistants to the house were also to be urged to subscribe to it: and, in order to forward this subscription more effectually throughout the whole kingdom, the following Proposition was agreed to by both houses:

"Whereas it appears that the king, seduced

* Lord Clarendon informs us, "That when this Subscription was set on foot in the house of commons, sir Henry Killigrew, being called upon, told them, 'If there were occasion, he would provide a good horse, and a good sword; and made no question but he should find a good cause:' but, within very few days, both he, and all those that were taken notice of for refusing, found it safest for them to leave the town; there being very visibly great animosity against them, both within and without the walls."

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by wicked counsel, intends to make war against his parliament; and, in pursuance thereof, under pretence of a guard for his person, hath actually begun to levy forces both of horse and foot, and sent out summons throughout the county of York, for the calling together great numbers; and some ill-affected persons have been employed in other parts, to raise troops, under colour of his majesty's service, making large offers of reward and preferment to such as will come in: and that his majesty doth, with a high and forcible hand, protect and keep away delinquents, not permitting them to make their appearance, to answer such affronts and injuries as have been by them offered unto the parliament; and those messengers which have been sent from the houses for them, have been abused, beaten, and imprisoned; so as the Orders of parliament, which is the highest court of justice in this realm, are not obeyed, and the authority of it is altogether scorned and vilified; and such persons as stand well-affected to it, and declare themselves sensible of these public calamities, and of the violations of the privileges of parliament, and common liberty of the subject, are baffled and injured by several sorts of malignant men who are about the king; some whereof, under the name of Cavaliers, without having respect to the laws of the land, or any fear either of God or man, are ready to commit all manner of outrage and violence; which must needs tend to the dissolution of this government, the destroying of religion, laws, liberty, and property; all which will be exposed to the malice and violence of such desperate persons, as must be employed in so horrid and unnatural an act as the overthrowing of a parliament by force, which is the support and preservation of them all: this being duly considered by the lords and commons, and how great an obligation lies upon them in honour, conscience, and duty, according to the high trust reposed in them, to use all possible means in such cases, for the timely prevention of so great and irrecoverable evils; they have thought fit to publish their sense and apprehension of this imminent danger, thereby to excite all well affected persons to contribute their best assistance, according to their solemn vow and Protestation, to the preparations necessary for the opposing and suppressing of the traiterous attempts of these wicked and malignant counsellors, who seek to engage the king in so dangerous and destructive an enterprize, and the whole kingdom in a Civil War, and destroy the privileges and being of parliaments: this recourse to the good affections of those that tender their religion and just liberties, and the enjoyments of the blessed fruits of this present parliament, which were almost ready to be reaped, and are now as ready to be ruined by those wicked hands, being the only Remedy left them, under God; and without which they are no longer able to preserve themselves, or those by whom they are entrusted. 4. They the said lords and commons do declare, That whosoever shall bring in any proportion of ready Money, or Plate, or shall underwrite to furnish and maintain any number of Horse, Horsemen, and Arms, for the preservation of the public peace, and for the defence of the king and both houses of parliament from force and violence, and to uphold the power and privileges of parliament, according to his Protestation; it shall be held a good and acceptable service to the commonwealth, and a testimony of his good affection to the Protestant religion, the laws, liberties, and peace of this kingdom, and to the parliament and privileges thereof. And because a considerable Aid cannot be raised by few hands, and the condition of all men's estates and occasions is not always proportionable to their affection, therefore no man's affection shall be measured according to the proportion of his offer, so that he express his good-will to this service in any proportion whatsoever. 2. Whosoever shall bring in any Money, or Plate, or shall furnish and maintain any Horse, Horsemen and Arms for the purposes aforesaid, shall have their money repaid, with interest, at 8 per cent. and the full value of their plate, with consideration for the fashion, not exceeding 1*s.* per ounce; and shall have full recompence for all their charge, in finding, furnishing, and maintaining of horse, horsemen, and arms; and for this both houses of parliament do engage the public faith. 3. Four aldermen of London shall be the treasurers, to receive all such Money and Plate as shall be brought in for the purposes aforesaid, whose acquittances for the same shall be a sufficient ground for the party so lending money or plate, to demand it again with interest, and also consideration for the fashion of the plate. 4. Commissaries shall be appointed to value the Horse and Arms furnished for this service; and a signification under their hands of such values of the horse and arms, and of the time when first brought in, shall be a warrant to demand satisfaction according to the said values; and they shall keep an account of the time, from the first inrollment of any such horse and horsemen, that such as find *and* maintain them may be repaid, according to the rate of 2*s.* 6*d.* per diem, for so long time as they have maintained them in this service; and the commissaries are to attend at Guildhall, for the receiving and inrolling of such numbers of horse as shall be brought in. 5. Whosoever shall bring in Money or Plate, or shall provide and maintain Horse, Horsemen, and Arms for this service, shall do according to their duty therein. And the lords and commons do engage the power and authority of parliament, to save them harmless from all prejudice and inconvenience that may befall them by occasion thereof. 6. The members of either house, who are present, shall be desired to declare in their houses respectively, what Money, or Plate, they will bring in, or what Horse, Horsemen and Arms they will find and maintain. 7. It is desired, That all such as

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have residence in or about London, or within 80 miles, will bring in their Money, Plate, or Horse, within a fortnight after notice; and they that dwell farther off, within 3 weeks. 8. And because every person may not be provided with present Money, or with Horse, or not have his plate with him, which he means to bring in, and yet resolves to contribute his part within the time limited; and that it is necessary it should be presently known what the provision will be, for the effecting this great and important service; it is ordered, 1. That the committees of either house, appointed for that purpose respectively, shall receive the Subscriptions of such member of each house, as have not declared themselves in the house, or are absent upon the public service, or for their private occasions. 2. That the committee in London, intrusted with the Militia, shall receive the Subscriptions in London and Middlesex. 3. That some persons, nominated by the knights and burgesses of each county, and approved by both houses, shall be appointed to receive the Subscriptions in the several counties. Lastly, Whatsoever is brought in shall not at all be employed upon any other occasion, than to the purposes aforesaid; which are to maintain the Protestant religion, the king's authority, and his person in his royal dignity, the free course of justice, the laws of the land, the peace of the kingdom, and the privilege of parliament, against any force which shall oppose them. And this by the direction of both houses of parliament."

These Propositions of the parliament had such effect, that, lord Clarendon informs us, 'It was hardly credible what a vast proportion of plate was brought in to their treasurers within ten days, there being hardly men enough to receive it, or room to lay it in; and the throng being so great of the bringers, that, in two days attendance, many could not be discharged of their seditious offerings.' Mr. Whitlocke adds, 'That the parliament was not only furnished with Money by loans upon the public faith, but, by the endeavours of sundry ministers and others, a great quantity of Money, Plate and Ammunition was brought in; even by some poor women, to their wedding-rings and bodkins!'

The Nine Peers at York ordered to be impeached.] Mr. Hollis having reported the opinion of the lords concerning the Letter from the Nine Peers at York, a motion was made, "That the departing of these Nine Lords from the parliament, without leave, after such time as both houses had declared, that the king, seduced by wicked counsel, intended to make war against the parliament; and their still continuing at York, notwithstanding their summons and commands, is a high affront and contempt of both houses: and that the said Lords therein did as much as in them lay, that the service of parliament might be deserted; and are justly suspected to promote a war against the parliament." The previous question being put, it was carried in the affirmative by 109 voices against 51. The Tellers on this remarkable occasion were, for the Yeas, Mr. Hollis and Mr. Cromwell; for the Noes, Mr. Waller and Mr. White. Then it was resolved, That a committee be appointed to draw up an Impeachment against the said Nine Peers.

This day the commons took notice of a Picture, or Print, of sir John Hotham on horseback upon the walls of Hull, and the king on foot before the walls; and ordered this scandalous Picture, as it is called, to be burnt by the common hangman, and the whole impression to be seized.

Petition from Somersetshire, in favour of the King's Proposal for an Accommodation.] June 14. The lords had been informed, by the commons, of a Petition that was then framing in Somersetshire, to be presented to both houses, in which were great aspersions cast upon the parliament: A copy of it was procured, and this day read to the house as follows:

To the most High and Honourable Houses of LORDS and COMMONS: The Humble PETITION of the Knights, Gentry, Clergy, and Freeholders of the county of Somerset.

"We, with all thankfulness, do acknowledge your great care and pains, in the service of the common-wealth, whereby you have obtained those good laws, which, by his majesty's graciousness and favour, have been already enacted; and, not doubting of the continuance of these favours still in you, for the good and peace of this kingdom, and of your favourable acceptance of these our humble desires, though we have been discouraged, heretofore, in expressions of the like kind, we do again humbly desire, That the Church and Liturgy, established by law, may be continued and obeyed, until such time as the wisdom of the king and parliament, with the assistance of a free and well-chosen synod, of the most grave and learned divines of this kingdom, shall make some reformation or alteration therein; and, in the mean time, that the disturbers thereof may be discountenanced and punished. That you would be pleased to bend your endeavours to remove all jealousies and misunderstandings between his majesty and the parliament, the distempers within being the greatest evils that can happen unto us, and which we most fear; and, to that end, to take into your considerations his majesty's Message of the 20th of January, as the means himself proposes for an Accommodation; and that you would provide for his security, by declaring against Tumults and unlawful Assemblies; and that you would take care to suppress seditious Sermons and Pamphlets, which his majesty declares he expects, as the means to invite him to come near to his parliament.—That seeing his majesty and parliament do not agree in a new way for settling the Militia, it is humbly desired that the Trained Bands may be put into

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such a posture, and governed as in the time of queen Elizabeth, until a law be made; and that the disputes about the manner of doing it may not actuate division in the mean time: that the subject may have the benefit of the Petition of Right, both for his person and estate, in all causes and in all courts; and that the laws of the kingdom may be our only rule of government and obedience.—That whereas great sums of Money have been levied by authority of parliament, and greater are now required, we beseech you to take notice, that the country is much impoverished, and will, unwillingly, bear any farther burden of this kind, but such as shall be employed for the general service of this kingdom and that bleeding kingdom of Ireland; and therefore we most humbly pray, that it may be made known how those former collections have been disposed of; which will be a great encouragement for the readier payment of the present.—Lastly, since his majesty hath often, with sacred protestations, declared to his parliament and people, That he will ever maintain the true Protestant Religion established, the Laws of the kingdom, and the Liberty of the subject, which we do confidently believe; we do, therefore, humbly beseech you, that disputes about prerogative, and the fear of a Malignant Party, or other jealousies, may not embroil you in the greatest of evils, as are those of civil dissentions, or encouragements to act contrary to conscience; but that you would do your utmost to lay aside all distempers; and heedfully watch over the peace and safety of this kingdom, which we will join with you in our earnest prayers to preserve, and willingly adventure our lives and fortunes."

The persons who were to have presented this Petition to the parliament, if there had not been a stop put to it, were, sir Fra. Pawlet, sir Amias Pawlet, sir Hen. Berkley, sir Ch. Berkley, sir Edw. Berkley, sir Fra. Doddington, sir Fra. Hawley, sir Sam. Gorges, and sir Rob. Philips.

The lords ordered sir F. Doddington and sir C. Berkley to be summoned to attend the house presently; and others, mentioned by the commons, to be sent for on account of this Petition.

The Lord Keeper disavows his Voting for the Militia Ordinance.] The following Letter from the Lord-Keeper, directed to the lord Willoughby of Parham, was read in the house of lords:

"My lord; His majesty was this day pleased to shew me a letter of your lordship's unto him, wherein you have expressed that I gave my vote in the house of peers for the Ordinance touching the Militia; which he questioning, in regard he heard it otherwise related, I, thereupon, informed him the truth; which is, That I was absent from the house on making the first Ordinance, which was presented to him for his assent; and being present when the second was in agitation, I gave my vote against it; which his majesty hath commanded me to let you know, and is the occasion of this Letter from Your, &c. EDW. LITTLETON. York, June 7, 1642."

But notwithstanding the lord keeper's positive denial of his voting in favour of the Ordinance for the Militia, we find the contrary account of his conduct, as before given from lord Clarendon and Mr. Whitlocke, fully justified by the following entry in the lords Journals:—The lords ordered a committee of three to search the Journals for the truth of this matter; who immediately reported, "That the lord-keeper was present when the Petition to the king concerning the Militia was agreed on: that he was present, voted, and argued for the following vote, viz. 'That, in case of extreme danger, and of his majesty's refusal, the Ordinance agreed on by both houses doth oblige the people, and ought to be obeyed by the fundamental laws of this kingdom.' Lastly, That he named his deputy-lieutenants, and agreed to the several forms of deputations of the Militia." These particulars, signed by the clerk, were ordered to be sent to lord Willoughby, and forthwith printed and published.

Mr. Hollis's Speech upon Impeaching the Nine Lords at York.] June 15. A Message was brought from the commons by Mr. Denzil Hollis, containing an Impeachment against the Nine Lords who had written and signed the Letter from York; which he introduced with the following speech: *

"My lords; By the command of the knights, citizens, and burgesses of the house of commons, I come hither unto your lordships in the behalf of the parliament; or rather in the behalf of the whole kingdom, labouring with much distraction, many fears, great apprehensions of evil and mischief intended against it; and now hatching and preparing by that Malignant Party, which thirsts after the destruction of religion, laws, and liberty; all which are folded up, cherished, and preserved in the careful bosom of the parliament.—My lords, the parliament is the foundation and basis of government, and consequently of the peace and happiness of the kingdom. As it creates the law by which we are ruled and governed in peace and quietness, so it preserves the law in power and authority: it watches over our religion, that it be not supplanted and changed by superstitious innovations; the truth and substance of it eaten up with formality, vain pomp, and unnecessary ceremonies; the gross errors of Popery and Arminianism imposed upon us, as the doctrine of our church; a way opened to all licentiousness; and occasion, hereby, taken to oppress and persecute all re-

* This speech was ordered by the commons to be printed; and by such only as Mr. Hollis should appoint: accordingly we find, in the title thereof, this Imprimatur: 'I appoint that none shall print this but Thomas Underhill. Denzil Hollis.' This give occasion to the king, in one of his Declarations, afterwards, to style Mr. Hollis a Monopolist.

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ligious and conscientious men that shall oppose these proceedings, as hath been used of late. It is the conservative of the rights and liberties of the subject, and the corrective of injustice and oppression; whereby equal right is distributed to all, and every man hath that benefit and protection of justice, which is due unto him. It is that by which alone common necessities can be provided for, and public fears prevented: so that I may say, not only the peace, happiness, and well-being, but the very being of this kingdom, can have no other bottom to stand upon but the parliament, it being the foundation upon which the whole frame of the common-wealth is built.—Therefore those who would destroy the building, apply themselves to undermine the foundation. If they can take away parliaments, or but weaken the power and authority of parliament, which is all one, (for if it once have no power, it will soon have no being) they know then all will be at their mercy, nothing will stand in their way to oppose them; but a flood of violence will run over and cover the whole surface of the kingdom, and carry away all, both present enjoyment, and future hope of religion, liberty, and whatsoever else is precious and dear unto us.—And, accordingly, it hath ever been the policy of evil counsellors (who are the greatest enemies we have in the world, or can have) to strike at parliaments, keep off parliaments, break parliaments, or divide parliaments, by making factions, casting in diversions and obstructions, to hinder and interrupt the proceedings of parliament: all against the parliament.—Your lordships have had experience of this truth in this parliament; a succession of designs upon it: first to awe it, and take away the freedom of it by the terror of an army; then to bring force against it, actually to assault it, and, with the sword, cut in sunder this only band, which ties and knits up king and people, the people among themselves, and the whole frame of this government, in one firm, and I hope indissoluble, knot of peace and unity.—God diverted those designs, and did blow upon them; presently another is set upon, which was to obstruct and hinder our proceedings, that, in the mean time, the flame of rebellion might consume the kingdom of Ireland; and distempers, distractions and jealousies be fomented here at home, to tear out the bowels of this kingdom; the parliament being disabled from helping it, by occasion of so many diversions, so much business cut out unto it, many obstructions and difficulties; especially that great one from which all the rest receive countenance and support, his majesty's absenting himself, and not concurring with us; thus withdrawing both his presence and influence; by which means such Remedies could not be applied as were necessary; and what was done, was done with infinite trouble to the parliament, and excessive charge to the subject, double, treble, what otherwise would have served the turn: so the subject is grieved and oppressed with charge, and the blame of all is laid upon the parliament; and the parliament unjustly said to be the cause of all those evils, which the authors of them had made so great; and so confirmed and secured by the frequent interruptions of the parliament, that they could not suddenly, nor easily, be suppressed or removed.—Well, but, by God's infinite blessing, the parliament was in a fair possibility to wade through this likewise; and though the night had been black and stormy, some day began to appear: miraculously our arms have prospered in Ireland, and, God be praised, the malevolent practices of these vipers at home, as they appeared, were in some sort mastered; and the parliament began to act and operate towards the settling of the great affairs both of church and state, and providing for the defence and safety of this kingdom, against either foreign invasion, or any stirring of the disaffected party among themselves.—Then three ways are together essayed for the weakening and invalidating the proceedings and power of the parliament, and making way for the utter subversion of it. One, Force is gathered together at York, under pretence of a Guard for his majesty's person, to make an opposition against the parliament; and, by a strong hand, to support and protect delinquents, so as no order of parliament can be obeyed, but on the other side slighted and scorned; so to make the parliament of no reputation, to be but 'Imago Parliamenti,' a mere shadow, without substance, without efficacy.—Another, To send out, in his majesty's name, (and as Declarations and Messages from him) bitter invectives against the parliament to perplex it, and engage it, in the expence of time, to answer them; and besides, cunningly to insinuate and infuse into the people, by false colours and glosses, a disopinion and dislike of the parliament; and, if it be possible, to stir up their spirits to rise against it, to destroy it, (and, in it, all other parliaments) to the ruin of themselves, their wives and children.—The third Plot, is, The members are drawn away, and persuaded to forsake their duty and attendance here, and go down to York; thereby to blemish the actions of both houses, as done by a few and inconsiderable number, and rather a party than a parliament; and, perhaps, to raise and set up an anti-parliament there.—My lords, this is now the great design whereby they hope, by little and little, the parliament shall even bleed to death, and moulder to nothing, the members dropping away, one after another; a desperate and dangerous practice, and as your lordships well observed (when you were pleased to communicate this business to us) an effect of the evil counsels now prevailing and tending to the dissolution of the parliament: of this parliament, which, under God, must be the preserver of three kingdoms, and keep them firm and loyal to their king, subject to his crown, save them from being turned into a chaos of disorder and confusion, and made a dismal spectacle of misery and desolation; this parliament, which is

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the last hope of the long-oppressed, and in other countries, even almost wholly destroyed, Protestant religion: this parliament, which is the only means to continue us to be a nation of freemen, and not slaves, to be owners of any thing; that we may call our wives, our children, our estates, nay our bodies our own: in a word, which must stand in the gap to prevent an inlet and inundation of all misery and confusion.—My lords, this parliament they desire to destroy; but I hope it will destroy the destroyers, and be a wall of fire to consume them as it is a wall of brass to us, to defend king and kingdom, us, and all we have.—Your lordships wisely fore-saw this mischief, and as wisely have endeavoured to prevent it, by making your Orders, to keep your members here; as that of the 9th of April, and several other Orders enjoining them all to attend; thereby restraining them from repairing to York, where the clouds were observed to gather so fast, and threaten a storm, and such preparations to be made against the parliament that it necessitated both houses to pass a vote:—That the king, seduced by wicked Counsel, intended to make war against the parliament; and all who shall serve, or assist, in such wars, are declared to be traitors,' which Vote passed the 20th of May; so setting a mark upon that place, and declaring their opinion concerning those who should at this time resort thither—Yet now, in such a conjuncture of time, when the kingdom had never more need of a parliament, and the Parliament never more need of all the help and assistance of the best endeavour and advice of every member; the safety and even the being, of the three kingdoms depending upon it; after such Orders and commands of your lordships house to the contrary; such a Vote of both houses; and expressly against their duty, being called thither by writ, under the Great Seal; which is the king's greatest and highest command, and not controullable, nor to be dispensed with, by any other command from him whatsoever; and called to treat and consult 'de arduis regni,' the great, urgent, and pressing affairs of the kingdom, never more urgent, never more pressing: notwithstanding all this, these lords, the earls of Northampton, Devonshire, Dover, and Monmouth, the lords Andover, Rich, Grey, Coventry, and Capel, have left their stations, withdrawn themselves, and are gone to York; and being summoned to appear by an Order of the 30th of May, instead of obedience, return a refusal, by a slighting and scornful Letter, which hath been so adjudged both by your lordships and the house of commons.—My lords, the house of commons hath likewise, upon the consideration and debate of this business, finding it so much to concern the safety of the kingdom and the very being of the parliament, passed this Vote:—That the Departing of these Nine Lords from the parliament, without leave, after such time as both houses had declared, That the king, seduced by wicked counsel, intended to make war against the parliament; and their still continuing at York, notwithstanding their summons and command, is a high affront and contempt of both houses; and that the said lords, therein, did as much as in them lay, that the service of the parliament might be deserted, and are justly suspected to promote a war against the parliament.'—And the house, in further prosecution of their duty in this particular, and in pursuance of their Protestation, which obliges them to endeavour to bring to condign punishment all such high offenders against not only the privileges, but the very essence of parliament, have sent me up to impeach these Lords, and desire that speedy and exemplary justice may be done upon them.—And, accordingly, I do here, in the name of the knights, citizens and burgesses of the commons house assembled in parl. and in the name of all the commons of England, impeach Spencer earl of Northampton, William earl of Devonshire, Henry earl of Dover, Henry earl of Monmouth, Charles lord Howard of Charlton, Robert lord Rich, Charles lord Grey of Ruthen, Thomas lord Coventry, and Arthur lord Capel, for these high Crimes and Misdemeanors following, viz. For that contrary to their duty, they being peers of the realm, and summoned by writ to attend the parliament; and contrary to an Order of the house of peers of the 9th of April last, and several other Orders, requiring the attendance of the members of that house; and after a Vote passed in both houses the 20th of May last, 'That the king, seduced by wicked counsel, intended to make war against the parliament, and that whosoever served or assisted him in that war, was adjudged a Traitor;' did notwithstanding, afterwards, in the same month of May, contemptuously, having notice of the said Votes and Orders, withdraw themselves from the said house of peers, and repair to the city of York; where the preparations of the said war were, and yet are, in contrivance and agitation, they knowing of such preparations; and being, by an Order of the 30th May, duly summoned by the house of peers, to make their appearance before that house upon the 8th day of June instant, they refused to appear; and returned a scornful answer, by a Letter under their hands directed to the Speaker, of the lords house, and remaining there upon record. For which Crimes and Misdemeanors, to the interruption of the proceedings of parliament and great affairs of the kingdom: tending to the dissolution of the parliament, and disturbance of the peace of the kingdom; I am commanded, in the name of the said commons, to demand of your lordships, That the said lords may be forthwith put to their Answer, and receive speedy and exemplary punishment, according to their demerits: The commons saving to themselves liberty, at all times hereafter, to exhibit any other or further Impeachment or Accusation against the said Lords, or any of them."

Ordered, That the impeached Lords should have notice to answer in 16 days time. And

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both the houses agreed to recall their joint committee at York.

Order against printing of scandalous Pamphlets.] This day two of the Company of Stationers were sent for by the commons, and they attending accordingly, Mr. Speaker strictly enjoined them to be very careful and diligent in searching after any thing that is printed, that may reflect upon his majesty: and an Ordinance was ordered to be drawn, for preventing the printing and publishing of any scandalous or libellous Pamphlet, that may reflect upon the king or the kingdom, the parliament, or Scotland; and for the suppressing of such as have already been printed.

The Parliament's Success in executing their Ordinance for the Militia.] June 16. The lords received intelligence from their lord-lieutenants in several counties in England, of their great success in putting the parliament's Orders concerning the Militia, in execution; and the great chearfulness the country expressed in submitting to their commands. Many Orders were issued concerning raising men, and buying of Horses and Armour.

A Call of the H. of Commons.] This being the day appointed for a Call of the house of commons, the same was done with great strictness; when it appears, by the Journals, that 65 members, there named, were absent. It may easily be supposed that these gentlemen had all, or most of them, deserted the house, and were gone to the king at York. On this deficiency a motion being made, That those absent members, whose names were now read, should not sit in the house, till they had made their excuse to a committee appointed for it, and that excuse reported and allowed of by the house, it was carried in the affirmative by 147 voices against 91. This committee were also authorized to consider about levying the Fines of 100*l.* before imposed upon the absent members: but another motion being made, That whatsoever member should withdraw himself from the service of the house, without particular leave of the house first obtained, shall forfeit 20*l.* it was carried in the negative, by 100 against 79.

The King's Declaration to his Privy Council at York: with their Engagement, &c.] About this time the king published the following Declaration, which he had made to all the peers, and others of his privy council, at York, the 13th of this month; together with their Engagement thereupon.

"C. R. We do declare, 1. That we will not require, nor exact, any obedience from you, but what shall be warranted by the known law of the land; as we do expect that you shall not yield to any commands not legally grounded, or imposed, by any other: 2. That we will defend every one of you, and all such as shall refuse any such commands, whether they proceed from Votes and Orders of both houses, or any other way, from all dangers and hazards whatsoever: 3. That we will defend the true Protestant Religion established by the law of the land, the lawful Liberties of the Subjects of England, and just Privileges of all the three estates of parliament; and shall require no further obedience from you, than as accordingly we shall perform the same: 4. That we will not (as is falsely pretended) engage you, or any of you, in any war against the parliament, except it be for our necessary defence and safety against such as do insolently invade or attempt against us, or such as shall adhere to us."

The ENGAGEMENT of the LORDS and others.

"We do engage ourselves not to obey any Orders or commands whatsoever, not warranted by the known laws of the land. We do engage ourselves to defend your majesty's person, crown, and dignity, together with your majesty's just and legal prerogative, against all persons and power whatsoever. We will defend the true Protestant Religion established by the law of the land, the lawful liberties of the subjects of England, and just privileges of your majesty and both your houses of parliament. And, lastly, we engage ourselves not to obey any Rule, Order, or Ordinance whatsoever, concerning any Militia, that hath not the royal assent.* York, June, 13, 1642."

Subscribed by

Lord Keeper Littleton	Lord Willoughby of Eresby
Duke of Richmond	Lord Howard of Charlton (Viscount Andover)
Marquis of Hertford	Lord Pierepoint (Viscount Newark)
Lord Great Chamberlain, (Earl of Lindsey)	Lord Paulet
Earl of Cumberland	Lord Lovelace
Earl of Bath	Lord Rich
* Earl of Huntingdon	* Lord Chandois
Earl of Southampton	Lord Saville
Earl of Dorset	* Lord Paget
Earl of Salisbury	Lord Mohun
Earl of Northampton	Lord Coventry
Earl of Devonshire	Lord Dunsmore
Earl of Cambridge	Lord Seymour
Earl of Bristol	Lord Capel
Earl of Clare	Lord Falkland, Secretary of State
Earl of Westmoreland	Mr. Comptroller, (sir Peter Wych)
Earl of Berkshire	Mr. Secretary Nicholas
Earl of Monmouth	Mr. Chancellor of the Exchequer (sir John Colepeper)
Earl Rivers	Lord Chief Justice Bankes
* Earl of Newcastle	
Earl of Dover	
Earl of Caernarvon	
Earl of Newport	
Lord Grey of Ruthyn	
Lord Mowbray and Maltravers	
* Lord Fauconbridge	

To these were annexed a solemn Profession of the King, disavowing any intentions of raising a war against his parliament; and

* This List is taken from the original edition, printed at York by Robert Barker, in the collections of sir John Napier, bart. The names of the peers distinguished thus * are omitted in lord Clarendon's List.

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also a Declaration of the peers, and others of his privy council, in confirmation thereof. And first

His Majesty's DECLARATION and PROFESSION.

"There having been many rumours spread, and informations given, which may have induced many to believe that we intend to make war against our parliament; we profess before God, and declare to all the world, that we always have and do abhor all such designs; and desire all our nobility and council, who are here upon the place, to declare whether they have not been witnesses of our frequent and earnest Declarations and Professions to this purpose; whether they see any colour of preparations, or counsels, that might reasonably beget a belief of any such design; and whether they be not fully persuaded that we have no such intention; but that all our endeavours (according to our many Professions) tend to the firm and constant settlement of the true Protestant religion, the just privileges of parliament, the liberty of the subject, the law, peace, and prosperity of this kingdom. Given at our Court at York this 15th of June, 1642."

The DECLARATION and PROFESSION of the Lords and others of his Majesty's Privy Council at York.

"We whose names are underwritten in obedience to his majesty's desire, out of the duty which we owe to his majesty's honour and to truth, being here upon the place, and witnesses of his majesty's frequent and earnest Declarations and Professions of his abhoring all designs of making war upon his parliament; and not seeing any colour of preparations, or counsels, that might reasonably beget the belief of any such design; do profess before God, and testify to all the world, That we are fully persuaded that his majesty hath no such intention; but that all his endeavours tend to the firm and constant settlement of the true Protestant religion, the just privileges of parliament, the liberty of the subject, the law, peace, and prosperity of this kingdom. York, June 15, 1642." Subscribed by the same lords and others, as before.

The King's Declaration disavowing his intention of making War against the Parliament.] The foregoing Engagement and Testimony of the lords and counsellors were immediately printed and published, together with the following Declaration:

"Though we have, within these last 7 months, met with so many several encounters of strange and unusual Declarations, under the names of both our houses of parliament, that we should not be amazed at any new prodigy of that kind; and though their last, of the 26th of May, gave us a fair warning that, the contrivers of it having spent all their stock of bitter and reproachful language upon us, we were to expect they should now break out into some bold and disloyal actions against us: and having, by that Declaration, (as far as in them lies) divested us of that pre-eminence and authority which God, the law, the custom and consent of this nation had placed in us; and assumed it to themselves; that they should likewise, with expedition, put forth the fruits of that supreme power, for the violating and suppressing that power they despised; (an effect of which resolution their wild Declaration against our Proclamation concerning the pretended Ordinance for the Militia, and the punishing of the proclaimers appears to be) yet we must confess, in their last attempt, (we speak of the last we know, they may probably since, or at this present, have outdone that too) they have outdone what we conceive was their present intention; and whosoever hears of Propositions and Orders for bringing in of Money and Plate to maintain Horse, Horsemen, and Arms, for the preservation of the public peace, or for the defence of the king and both houses of parliament, (such is their Declaration, or what else they please to call it, of the 10th of June) will surely believe the peace of this kingdom to be extremely shaken; and, at least, the king himself to be consulted with, and privy to these Propositions: but we hope that (when our good subjects shall find, that this goodly pretence of 'the defence of the king' is but a specious bait to seduce weak and inconsiderate men into the highest acts of disobedience and disloyalty against us, and of violence and destruction upon the laws and constitutions of the kingdom) they will no longer be captivated by an implicit reverence to the name of 'both houses of parliament;' but will carefully examine and consider what number of persons are present, and what persons are prevalent in those consultations; and how the debates are probably managed, from whence such horrid and monstrous conclusions do result; and will, at least, weigh the reputation, wisdom, and affection of those who are notoriously known, out of the very horror of their proceedings, to have withdrawn themselves, or, by their skill and violence, to be driven from them and their councils.—Whilst their Fears and Jealousies did arise, or were infused into the people, from discourses of the rebels in Ireland, of Skippers at Rotterdam, of forces from Denmark, France, or Spain, (how improbable and ridiculous soever that bundle of informations appeared to all wise and knowing men) it is no wonder if the easiness to deceive, and the willingness to be deceived, did prevail over many of our weak subjects to believe, that the Dangers which they did not see might proceed from causes which they did not understand; but for them to declare to all the world, 'That we intend to make war against our parliament,' (whilst we sit still, complaining to God Almighty of the injury offered to us, and to the very being of parliaments) and that we have already begun actually to levy forces both of horse and foot, (whilst we have only, in a legal way, provided a smaller Guard for the security of our own person, so near a rebellion at Hull, than they

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have had, without lawful authority, above these 8 months, upon imaginary and impossible dangers) to impose upon our people's sense, as well as their understanding, by telling them we are doing that which they see we are not doing, and intending what they all know (as much as intentions can be known) we are not intending, is a boldness agreeable to no power, but the omnipotence of those Votes, whose absolute supremacy hath almost brought confusion upon king and people; and against which no knowledge in matter of fact, or consent and authority in matter of law, they will endure shall be opposed.—We have upon all occasions, with all possible expressions, professed our fast and unshaken resolutions for peace; and we do again, in the presence of Almighty God, our Father and Redeemer, assure the world, That we have no more thought of making a war against our parliament, than against our own children; that we will maintain and observe the acts, assented to by us this parliament, without violation, of which that for the frequent assembling of parliaments is one; and that we have not, or shall not have, any thought of using any force, unless we shall be driven to it for the security of our person, and for the defence of the religion, laws, and liberty of the kingdom, and the just rights and privileges of parliament; and therefore we hope the Malignant Party, who have so much despised our person, and usurped our office, shall not, by their specious and fraudulent insinuations, prevail with our good subjects to give credit to their wicked assertions, and so to contribute their power and assistance for the ruin and destruction of us and themselves.—For our Guard about our person, (which not so much their example as their provocation inforced us to take) it is known it consists of the prime gentry, in fortune and reputation, of this county, and of one regiment of our Trained Bands; who have been so far from offering any affronts, injuries, or disturbance to any of our good subjects, that their principal end is to prevent such; and so may be a security, but can be no Grievance, to our people. That some ill-affected persons, or any persons, have been employed in other parts to raise troops under colour of our service, or have made large, or any, offers of reward and preferment to such as will come in, is (for ought we know, and as we believe) an untruth, devised by the contrivers of this false rumour; we disavow it, and are confident there will be no need of such art or industry to induce our loving subjects, when they shall see us oppressed, and their liberties and laws confounded, (and till then we shall not call on them) to come into us, and to assist us.—For the Delinquents, (whom we are said with an high and forcible hand to protect) let them be named, and their delinquency; and if we give not satisfaction to justice, when we shall have received satisfaction concerning sir John Hotham, by his legal trial, then let us be blamed: but if the design be, (as it is well known to be,) after we have been driven by force from our city of London, and kept by force from our town of Hull, to protect all those who are delinquents against us, and to make all those delinquents who attend on us, or execute our lawful commands, we have great reason to be satisfied in the truth and justice of such accusation; lest, to be our servant, and to be a delinquent, grow to be terms so convertible, that, in a short time, we be left as naked in attendance, as they would have us in power; and so compel us to be waited on only by such whom they shall appoint and allow, and in whose presence we should be more miserably alone, than in desolation itself.—And if the seditious contrivers and fomenters of this scandal upon us shall have (as they have had) the power to mislead the major part present of either or both houses, to make such Orders, and send such Messages and Messengers, as they have lately done, for the apprehension of the great earls and barons of England, as if they were rogues or felons; whereby persons of honour and quality are made delinquents, merely for attending upon us, and upon our Summons; whilst other men are forbid to come near us, though obliged by the duty of their places and oaths, upon our lawful commands; it is no wonder if such Messengers are not very well entreated, and such Orders not obeyed. Neither can there be a surer and cunninger way found out to render the authority of both houses scorned and villified, than to assume to themselves, merely upon the authority of the name of Parliament, a power monstrous to all understandings; and to do actions, and to make Orders, evidently and demonstrably contrary to all known law and reason, as to take up arms against us, under colour of defending us; to cause Money to be brought in to them, and to forbid our own Money to be paid to us, or to our use, under colour that we will employ it ill; to beat us, and starve us for our own good, and by our own power and authority; which must, in short time, make the greatest court, and the greatest persons, cheap and of no estimation.—Who those sensible men are of the Public Calamities, of the Violations of the Privileges of Parliament, and the common Liberty of the Subject, who have been baffled and injured by Malignant Men and Cavaliers about us, we cannot imagine: and if those Cavaliers are so much without the fear of God and man, and so ready to commit all manner of outrage and violence, as is pretended, our government ought to be the more esteemed, which hath kept them from doing so; insomuch as we believe no person hath cause to complain of any injury, or of any damage in the least degree, by any man about us, or who hath offered his service to us. All which being duly considered, if the contrivers of these Propositions and Orders had been truly sensible of the obligation which lies upon them, in honour, conscience, and duty, according to the high trust reposed in them by us and our people, they would not have published such a sense and apprehension of imminent

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Danger; when themselves, in their consciences, know that the greatest, and indeed only, danger which threatens this church and state, the blessed religion and liberty of our people, is in their own desperate and seditious designs; and would not endeavour, upon such weak and groundless reasons, to seduce our good subjects from their affection and loyalty to us, to run themselves into actions unwarrantable, and destructive to the peace and foundation of the common-wealth. And that all our loving subjects may see how causeless and groundless this scandalous rumour and imputation of 'our raising war upon our parliament' is, we have, with this our Declaration, caused to be printed the Testimony of those lords, and other persons of our council, who are here with us; who being, upon the place, could not but discover such our intentions and preparations, and cannot be suspected, for their honours and interests, to combine in such mischievous and horrid resolutions: and therefore we straitly charge and command all our loving subjects, upon their allegiance, and as they will answer the contrary at their perils, That they yield no obedience or consent to the said Propositions and Orders; and that they presume not (under any such pretences, or by colour of any such Orders) to raise or levy any horse or men, or to bring in any money or plate to such purpose: But if, notwithstanding this clear Declaration and Evidence of our Intentions, these men (whose design it is to compel us to raise war upon our parliament, which all their skill and malice shall never be able to effect) shall think fit, by these alarms, to awaken us to a more necessary care of the defence of ourself and our people; and shall themselves, under colour of defence, in so unheard-of a manner, provide (and seduce others to do so) to offend us: having given us so lively testimony of their affections what they are willing to do, when they have once made themselves able, all our good subjects will think it necessary to look to ourself: and we do then excite all our well-affected people, according to their Oaths of Allegiance and Supremacy, and according to their solemn vow and Protestation, (whereby they are obliged to defend our person, honour, and estate) to contribute their best assistance to the preparations necessary for the opposing and suppressing of the traiterous attempts of such wicked and malignant persons; who would destroy our person, honour, and estate, and engage the whole kingdom in a Civil War, to satisfy their own lawless fury and ambition; and so rob our good subjects of the blessed fruit of this present parliament, which they already, in some degree, have, and might still reap, (to the abundant satisfaction and joy of the whole kingdom) if such wicked hands were not ready to ruin all their possession, and frustrate all their hopes. We do therefore declare, That whosoever, of what degree or quality soever, shall then, upon so urgent and visible necessity of ours, and such an apparent distraction of the kingdom, (caused and begotten by the malice and contrivance of this malignant party) bring in to us, and our use, ready Money or Plate; or shall underwrite to furnish any number of Horse, Horsemen, and Arms for the Preservation of the Public Peace, the Defence of our Person, and the Vindication of the Privilege and Freedom of Parliament; we shall receive it as a most acceptable service, and as a testimony of his singular affection to the Protestant religion, the laws, liberties, and peace of the kingdom; and shall no longer desire the continuance of that affection than we shall be ready to justify, and maintain, those with the hazard of our life. And we do further declare, That whosoever shall then bring in any sums of money or plate, to assist us in this great extremity, shall receive consideration after the rate of 8 per cent. for all such Monies as he shall furnish us withal; and shall upon the payment of such money to such persons whom he shall appoint to receive the same, receive security for the same, by good and lawful assurance of such of our lands, forests, parks, and houses, as shall be sufficient for the same; (more real security than the name of Public Faith given without us and against us, as if we were no part of the public) and besides we shall always look upon it as a service, most affectionately and seasonably performed, for the preservation of us and the kingdom: But we shall be much gladder that their submission to those our commands, and their desisting from any such attempt of raising horse or men, my ease all our good subjects of that trouble, charge and vexation."

June 17. The lords took into consideration a printed Book, published in the king's name, called 'An Answer to a Declaration of the Lords and Commons of the 26th of May last,' out of which was read this clause, 'We must tell those ungrateful men, who dare tell their king, That they may without want of modesty and duty, depose him, &c.' (p. 1329). It was ordered, That a conference be held with the commons, and a committee of both houses appointed to draw a Declaration, by way of Answer to this particular; and that care be taken to disperse it through the kingdom.

Both houses agreeing, That they perceived an hourly necessity for raising an army of Horse as well as Foot; orders were issued out, and proper officers named for that purpose.

The King grants a Commission of Array.] The earl of Stamford informed the lords, by a letter from Leicestershire, That he had executed the parliament's Militia Ordinance in that county with great success; but that a Commission of Array was granted to the earls of Huntingdon, Devonshire, and others, to oppose him therein, and requiring them to array, train, and muster the people: that the said commission was to take place in a few days; and therefore the earl of Stamford desired the advice of parliament, what he should do if the said Commission was put in execution. A committee of both houses was immediately ap-

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pointed to consider how to prevent this new and dangerous project.

The King's Letter to the Citizens of London, forbidding them to lend Money to the Parliament.] June 18. The commons acquainted the lords with a Letter written by the King to the lord mayor, aldermen, and sheriffs of London, which was printed; and desired them to take the said Letter into consideration, and to give order that it might be suppressed, and not dispersed amongst the several companies as was required. This Letter was as follows:

"C. R. Trusty and well-beloved, we greet you well; Whereas we have received several informations of great sums of Money endeavoured to be borrowed of our city of London, by some direction proceeding from both our houses of parliament; and likewise that great labour is used to persuade our subjects to raise Horse, and to furnish Money, upon pretence of raising a Guard for our parliament: these are to let you know, that (notwithstanding any scandalous Votes which have presumed to declare our intention of levying war against our parliament, and to lay other aspersions on us, so fully disavowed by us in the presence of Almighty God, in our several Answers and Declarations) all our desires and purposes are for the public peace; and that we have not the least thought of raising or using force, except we are compelled to it for the defence of our person, and in protection of the law: and therefore we expect that you suffer not yourselves to be misled by such vain and improbable suggestions; and do declare, That if you shall lend any sums of Money towards the relief of Ireland, (to which we have contributed all the assistance that could be desired of us, which way soever the money given and raised to that purpose is disposed) or towards the payment of our Scots subjects, we shall take it as an acceptable service at your hands; but if, upon general pretences, contrived by a few factious persons against the peace of the kingdom, you shall give or lend any Money, or provide or raise any Horses or Arms towards the raising such a Guard, we shall look upon it as the raising force against us, and to be done in malice and contempt of us and our authority.—And we do therefore straitly charge and command you to publish this our Letter to the several masters and wardens of the several Companies, that they may be assured that such Money as they shall lend, out of their good affection to the kingdom, may be only employed for Ireland or Scotland, and not towards such Guards; which, in truth, are intended by the contrivers of that design, (though we believe many honest men, seduced by them, do not yet see their end) to be employed against us: and if you and they shall herein fail, punctually and severally to observe our commands, we shall not only proceed against the several Companies for deceiving the trust reposed in them, but against the particular persons, as contemners and opposers of our authority, and of the law of the land, in the most exemplary way the known law of the land shall prescribe to us; and shall be compelled to question the charter of your city, who we are willing yet to believe, (notwithstanding the barbarous and insolent demeanour of the meaner and baser sort) in a good degree to continue loyal to us. And of your obedience to these our commands, we do expect and require a full account, and of the names of such persons who shall oppose the same. Hereof fail you not, as you will answer the contrary at your peril. Given at our Court at York, June 14th, 1642."

Next follows a copy of the king's Commission of Array sent into Leicestershire.* On the reading of it the Lords passed this Vote, "That this Commission of Array for Leicestershire is against law, and against the liberty and property of the subject: and that all those that are actors in putting it in execution, shall be esteemed as disturbers of the liberty of the subject." Ordered also, 1. "That this commission of Array, with the aforesaid Votes, shall be forthwith printed and published throughout the kingdom. 2. That all those persons, except the peers, who had executed this Commission in Leicestershire, should be sent for as delinquents."

The Parliament's Answer to the King's Letter.] The same day another Declaration of the lords and commons, by way of Answer to the foregoing Letter of the King to the lord mayor and citizens of London, was read, and agreed to be printed and published in hæc verba:

"Whereas in a Paper, inscribed 'To our trusty and well-beloved the Lord Mayor, Aldermen, and Sheriffs of the City of London, dated the 14th of June, 1642,' it is affirmed, 'That great labour is used to persuade his majesty's subjects to raise Horse, and to furnish Money, upon pretence of a Guard for the parliament; but, in truth, to be employed against his majesty:' the lords and commons do declare, That the design of these Propositions is, as was formerly declared, to maintain the Protestant religion, the king's authority and person in his royal dignity, the free course of justice, the laws of the land, the peace of the kingdom, and the privileges of parliament, against any force which shall oppose them. And they do further declare, That as the forces already attending his majesty, and the preparation which his maj. is now making of arms, horse, and ordnance, within his kingdom and from without, at first coloured under the pretence of a Guard, do evidently appear to be intended for some great and extraordinary design; so they give just cause of fear and jealousy to the parliament, and do fully justify their Votes of the king's intention of levying War against the Parliament, to be altogether free from any imputation of scandal, as is injuriously cast upon them by that Paper: for,

* This Commission is at large in Rushworth's Collections, vol. iv. p. 655.

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so long as his maj. shall continue those levies and preparations, the lords and commons in parliament, having been so often threatened and reviled for their proceedings about Hull and the Militia, so necessarily undertaken for the good and peace of the kingdom, cannot be secured by his majesty's solemn Protestation alone, expressed in this and other Declarations, 'That all his desires and purposes are for the public peace, and that he hath not the least thought of using force, except he be compelled to it for the defence of his person and protection of the laws;' seeing his majesty, in a Declaration published at Heworth-Moor, doth interpret the protection of the laws in such a manner, as giveth just and full occasion to believe, that, by protecting the laws, his maj. intendeth force upon, or against, those who shall submit to the Ordinance of the Militia; and because it appears, by divers expressions of his maj. that he hath discovered an intention of making some attempt upon Hull: in both which cases they do declare, That whatsoever violence shall be used, either against those who exercise this Militia, or against Hull, they cannot but believe it as done against the parliament.—And whereas the houses have, upon loan, received great sums of Money for the service of Ireland, from the companies of the city of London, (for which they give them great and hearty Thanks) they do declare, That these sums shall be dispended, as the former have been, to that only service; notwithstanding an insinuation, laying an aspersion upon them as if they had done otherwise. Further: Whereas it is declared, to the great reproach of the parliament, 'That the sums desired towards the raising of Horse and Arms, are contrived upon general pretences, by some few factious persons,' we leave it to the world to judge how it is possible the houses should have all their members, seeing many of them are, by his majesty, summoned to York; and there, contrary to the laws of the land and privileges of parliament, detained, nay, protected, from the justice of both houses.—And, secondly, How that can possibly be called a Faction, which is done by both houses of parliament, the greatest court of England, the most faithful council his majesty hath. But at such language as this they wonder not, considering by what wicked counsel his majesty's affairs are guided, and by what malignant spirits his majesty's affections to the parliament of late have been misled.—Both houses well weighing the premises, do forbid any mayors, sheriffs, bailiffs, or other officers whatsoever, to publish or spread that Paper, as they will answer their contempt to the parliament. And do assure themselves, that neither his majesty's commands, nor his threats, will withdraw or deter men, well-affected to the public, from doing their duty; in contributing such Money, Horse, and Plate, as will be necessary for the preserving the being of parliament, the peace of the kingdom, and those other ends beforementioned, for which they are desired: the dangerous and mischievous intentions of some about his maj. being such, that whatsoever is most precious to men of conscience and honour, as religion, liberty, and public safety, are like to be overwhelmed and lost in the general confusion and calamity of the kingdom; which will not only question, but overthrow, the charter of the city of London; expose the citizens, their wives, and children, to violence and villainy; and leave the wealth of that famous city as a prey to those desperate and necessitous persons.—The lords and commons, as they hope by this means those horrid mischiefs may be prevented, so those of the city, which contribute hereunto, (whereof none are so mean and base as to deserve the reproaches cast on them by that Paper) and all his majesty's good subjects, may be assured that, in doing their duty herein, they shall be protected and secured in their persons, liberties, and estates, by the power and authority of both houses of parliament, according to their former engagements, which they will ever faithfully perform."

The King's Reply.] This Answer was presently followed by a Reply from the King: viz.

"It seems, by a new Declaration of the 18th of June, in Answer to our Letter of the 14th of the same month, to the lord mayor of London, that the lords and commons in parliament have much more leisure than they pretend; or that those persons, whom we have before described in our former Answers and Declarations, and of whom only we would be understood to speak, think such Declarations and Votes to be such unresistable engines of battery against us and the law, that no strength can oppose them; and therefore, though they will not take notice from whence that Letter came, they will vouchsafe it no other mention but a Paper, (as if found by chance) inscribed, 'To our Trusty and Well beloved, &c.' And it is a wonder that, since they have usurped the supreme power to themselves, they have not taken upon them the supreme style too, and directed this very new Declaration, 'To their trusty and Well-beloved, their subjects of the city of London;' for it is too great and palpable a scorn to persuade them to take up arms against our person, under colour of being loving subjects to our office; and to destroy us, that they may preserve the king.—They are offended that we should believe, 'That their end of persuading our subjects to raise Horse, and to furnish Money upon pretence of a Guard for the parliament, is, in truth, to employ those horse, men, and money, against us.' Let the reasons of our belief be never so strong, and their actions never so evident to compel all other men to believe so too, the lords and commons do declare, (think what you will, and see what you can) 'That the design of those Propositions for raising Men, Horse, and Money, is to maintain the Protestant religion, the king's authority and person in his royal dignity, the free course of justice, the laws of the

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land, the peace of the kingdom, and privileges of parliament, against any force which shall oppose them.' And this all men are bound to believe, though they see the Protestant religion, and the professors thereof, miserably reproached, and in danger of being destroyed by a vicious and malignant party of Brownists, Anabaptists, and other Sectaries: (the principal ring-leaders of whom have too great a power, even with some members in both our houses of parliament) our authority despised, and, as much as in them lies, taken from us, and reviled in pulpits and presses by persons immediately in their protection, and of their recommendation; our person driven away by tumults and rude multitudes, against whom we can have no justice; the course of justice interrupted and stopped by Orders and Injunctions, never heard of till this parliament; the laws of the land trampled under foot, and frustrated; new laws attempted to be made, and imposed upon our subjects, without, and against, our consent; the peace of the kingdom shaken and frighted away by discountenancing the laws; absolving, as much as in them lies, the people from the rules of government or obedience, and even declaring a war against us, and the laws of the land; and, lastly, the privileges of parliament so far extended, as if, to the bare sound of privilege of parliament, the liberty and property of the subject, the dignity and certainty of the law were in such subjection, that they may first make what Orders they please, and in what cases they please; and whosoever disputes those Orders, and submits not to those Votes, breaks their privileges: and whosoever breaks their privileges is an enemy to the common-wealth, and worthy of such other attributes (either of favouring the Rebellion in Ireland, or advancing the war here) as are most likely to render that person suspected or odious to the people. If, in truth, this be evidently and demonstrably the case, such Declarations will no more gain credit with, or longer mislead, our subjects, than if they should tell them, that we are personally with them in London, when all men see us here at York.—As they have 'declared,' (the best argument or evidence you are to look for) That all that they do is lawful, because they do it; so they proceed, by the same power, to assure those who are apt to be deceived by them, 'That the force already attending us,' (they would certainly do otherwise if they did really believe such force to be about us) 'and the preparation we are making, do evidently appear to be intended for some great and extraordinary design, and do justify their former Votes of our intention of levying war against our parliament.' And they have at last given some Reasons for that Vote and Declaration: they find, by our several Declarations, that we intend force against those who shall submit to the Ordinance of the Militia, and that we intend to make an attempt upon Hull: in both which cases they are pleased to declare, 'That whatsoever violence shall be used, either against those who exercise this Militia, or against Hull, they cannot but take it as done against the parliament.' We are beholden to them that they have explained to all our good subjects the meaning of their charge against us; that by our intention of making war against our parliament, no more is pretended to be meant, but our resolution not to submit to the high injustice and indignity of the Ordinance, and the business of Hull. We have never concealed our intentions in either of those particulars; (we wish they would deal as clearly with us) but have always, and do now declare, That that pretended Ordinance is against the law of the land, against the liberty and property of the subject, destructive to sovereignty; and, therefore, not consistent with the very constitution and essence of the kingdom, nor with the right and privilege of parliament: that we are bound by our Oath, (and all our subjects are bound by theirs of allegiance and supremacy, and their own Protestation lately taken, to assist us) to oppose that Ordinance, which is already put in execution against us; not only by training and arming our subjects, but by forcibly removing the magazines from the places trusted by the counties, to their own houses, and guarding it there with armed men; whither it will be next removed, and how used by such persons, we know not. That the keeping us out of Hull, by sir John Hotham, was an act of high treason against us; and the taking away our magazine and munition from us, was an act of violence upon us; (by what hands, or by whose direction soever it was done) and in both cases, by the help of God and the law, we will have justice, or lose our life in the requiring it; the which we do not value at that rate, as to preserve it with the infamy of suffering ourself to be robbed and spoiled of that dignity we were born to.—And if it be possible for our good subjects to believe that such a defence of ourself, with the utmost power and strength we can raise, is making a war against the parliament; we do not doubt (however it shall please God to dispose of us in that contention) but the justice of our cause will, at the last, prevail against those few malignant spirits, who, for their own ends and ambitious designs, have so misled and corrupted the understandings of our people: and that both our houses of parliament will, in a short time, discern, by their own observation, and the information we shall speedily give them, how near this flourishing kingdom is brought to ruin and confusion by these persons.—And since neither our Declaration, nor the testimony of so many of our lords now with us, can procure credit with these men; but that they proceed to levy Horse, and to raise Money and Arms against us, we are not to be blamed, if (after so many gracious expostulations with them, upon undeniable principles of law and reason, which they answer only by 'voting' that which we say to be neither law nor reason; and so proceed actually to levy war upon us, to justify that

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which cannot be otherwise defended) at last we make such provision, that, as we have been driven from London, and kept from Hull, we may not be surprized at York; but be in a condition to resist and bring to justice those men, who would persuade our people that their religion is in danger, because we will not consent it shall be in their power to alter it by their Votes; or their liberty in danger, because we will allow no Judge of that liberty but the known law of the land: yet whatever provision we shall be compelled to make for our security, we will be ready to lay down, as soon as they shall have revoked the Orders by which they have made levies; and submit those persons who have detained our towns, carried away our arms, and put the Militia in execution contrary to our Proclamation, to that trial of their innocence the law directs, and to which they were born.—If this be not submitted to, we shall with as good a conscience (and we believe we shall not want the affections of our good subjects to that end) proceed against those who shall presume to exercise that pretended Ordinance for the Militia, and the others who keep our town of Hull from us, as we would resist persons who came to take away our life or our crown from us. And therefore we shall again remember and require our city of London to obey our former commands, and not to be misled by the orations of those men, (who are made desperate by their fortunes, or their fortunes by them) who tell them their religion, liberty, and property is to be preserved no other way but by their disloyalty to us: That they are now at the brink of the river, and may draw their swords, when nothing pursues them but their own evil consciences. Let them examine what excellent fruits of religion the lives of those men have brought forth, and what great advancers they have been of the public liberty and property: how long they have had those opinions, that they would ruin them to defend, and how they came to those opinions: let them consider whether their estates come to them, and are settled upon them by Orders of both houses, or by that law which we defend: what security they can have to enjoy their own, when they have helped to rob us; and what a happy conclusion that war is like to have, which is raised to oppress their sovereign: that the wealth and glory of their city is not like to be destroyed any other way, but (and that way inevitably it must) by rebelling against us: nor their wives and children to be exposed to violence and villiany, but by those who make their appetite and will the measure and guide to all their actions. Let them not fancy to themselves melancholic apprehensions, which are capable of no satisfaction; but let them seriously consider what security they can have, that they have not under us, or been offered by us; and whether the doctrines these men teach, and would have them defend, do not destroy the foundations upon which their security is built.—And we do, lastly, declare again, and publish to all the world, That we shall proceed against all persons whatsoever, that shall assist those levies, by furnishing Horse, Money, and Plate, as against the disturbers of the public peace, and the authors of those distractions which threaten the ruin of us and this kingdom."

Ordinance of Parliament for coining of Plate.] How little weight the king's reply had with the parliament, will appear by the following Ordinance, made and agreed to this day, by both houses: "Whereas great quantities of Plate are brought to the treasurers, appointed by both houses for the receiving of Plate and Money, according to the uses expressed in the Propositions; it is therefore ordered by the lords and commons in parliament, That the said treasurers shall have power, by virtue of this Order, to melt down the said Plate, and cause it to be forthwith coined: and shall likewise have power, from time to time, to melt down and cause to be coined, all other Plate as shall, hereafter, be brought in."

Lord Paget's Reasons for leaving the Parliament and going to the King.] June 20. A copy of a Letter from lord Paget was this day entered in the Lords Journals, intitled, 'The Reasons of his departure from Parliament unto the King's most Excellent Majesty at York;' and is in these words:

"It may seem strange that I, who, with all zeal and earnestness, have prosecuted, in the beginning of this parliament, the reformation of all disorders in church and common-wealth, should now, in a time of such great distractions, desert the cause. Most true it is that my ends were the common good; and, whilst that was prosecuted I was ready to lay down both my life and fortune; but, when I found a preparation of arms against the king under the shadow of loyalty, I rather resolved to obey a good conscience than particular ends; and am now on my way to his majesty, where I will throw myself down at his feet, and die a loyal subject. PAGET. June 11, 1642."

We do not find any notice taken of this Letter by the lords; but the same being printed and published by one Hugh Perry, the commons ordered him to be summoned before their house; and he was afterwards committed to the Gatehouse.—We have before taken notice, That the lord Paget had not only accepted of a commission of lord lieutenant of the county of Bucks, under the Ordinance of parliament, but had also appointed his deputy lieutenants. This is confirmed by lord Clarendon with the following additional particulars: "the lord Paget, who had contributed all his faculties to the parliament's service, and to the prejudice of the king's, from before the beginning of the parliament; had been one of their teizers to broach those bold high overtures soberer men were not, at first, willing to be seen in; had, with great pomp and solemnity, executed their Ordinance, in defiance of the king's proclamation; and had subscribed a greater

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number of horses for their service, upon their Propositions, than any other of the same quality*; convinced in his conscience, fled from them, and besought the king's pardon: and, for the better manifesting the tenderness of his compunction, and the horror he had of his former guilt, he frankly discovered whatsoever he had known of their counsels; and aggravated all the ill they had done, with declaring it to be done to worse and more horrid ends, than many good men believed to be possible for them to propose to themselves."

The King's Answer to the Parliament's 19 Propositions.] June 21. A Letter from the King, directed to the Speaker of the house of lords, with an Answer inclosed to the Nineteen Propositions from the parliament for peace, (see p. 1324), was read in the house of lords, and ordered to be sent down to the commons. This Answer begins with a long recapitulation of all the arguments, before urged, in his majesty's Messages and Declarations to the parliament, which we have already printed: of these, therefore, we shall content ourselves with lord Clarendon's Abstract; giving only such passages at large, as are a direct Answer to the Propositions themselves.

"The king first reminded the parliament of the method they had observed in their proceedings towards him: That they had first totally suppressed the known laws of the land, and denied his power to be necessary to the making new ones, reducing the whole to their own Declarations and single Votes: that they had possessed themselves of his Magazines, Forts, and Militia: that they had so awed his subjects with pursuivants, long chargeable attendance, heavy censures, and illegal imprisonments, that few of them durst offer to present their tenderness of his majesty's sufferings, their own just grievances, and their sense of those violations of the law (the birth-right of every subject of the kingdom) though in an humble Petition to both houses; and if any did, it was stifled in the birth, called Sedition, and burned by the common hangman: that they had restrained the attendance of his ordinary and necessary household servants; and seized upon those small sums of money, which his credit had provided to buy him bread; with injunctions that no money should be suffered to be conveyed, or returned to his majesty to York, or to any of his peers or servants with him; so that, in effect, they had blocked him up in that county: that they had filled the ears of his people with Fears and Jealousies, (though taken up upon trust) tales of Skippers, Salt-Fleets, and such like; by which alarm they might prepare them to receive such impressions, as might best advance their design, when it should be ripe. And now, it seemed, they thought his majesty sufficiently prepared for those bitter pills; that he was in a handsome posture to receive those humble desires; which probably, were intended to make way for a superfœtation of a yet higher nature; for they did not tell him, This was all. He said, he must observe, that those Contrivers, (the better to advance their true ends in those Propositions) disguised, as much as they could, their intents with a mixture of some things really to be approved by every honest man; others, specious and popular; and some which were already granted by his majesty: all which were cunningly twisted and mixed with those other things of their main design, of ambition and private interest, in hope that, at the first view, every eye might not so clearly discern them in their proper colours.—His majesty said, if the 1st, 2d, 3d, 4th, 5th, 9th, 10th, 15th, 16th, and 19th Demands had been writ and printed in a tongue unknown to his majesty and his people, it might have been possible that he and they might have, charitably, believed the Propositions to be such as might have been in order to the ends pretended in the Petition, to wit, 'The Establishment of his honour and safety; the welfare and security of his subjects and his dominions; the removing those jealousies and differences which were said to have unhappily fallen betwixt his majesty and his people; and procuring both his majesty and them a constant course of honour, peace, and happiness;' but being read and understood by all, he could not but assure himself that that profession, joined to those Propositions, would rather appear a mockery and a scorn; the demands being such, that he were unworthy the trust reposed in him by the law, and of his descent from so many great and famous ancestors, if he could be brought to abandon that power which alone could enable him to perform what he was sworn to, in protecting his people and the laws; and so assume others into it, as to divest himself of it, although not only his present condition were more necessitous than it was, (which it could hardly be) and he were both vanquished and a prisoner; and in a worse condition than ever the most unfortunate of his predecessors had been reduced to, by the most criminal of their subjects: and though the bait laid to draw him to it, and to keep his subjects from indignation at the mention of it, the promises of a plentiful and unparalleled Revenue, were reduced from generals (which signify nothing) to clear and certain particulars; since such a bargain would have but too great a resemblance of that of Esau's if he would part with such flowers of his crown as were worth all the rest of the garland, and had been transmitted to him from so many ancestors, and had been found so useful and necessary for the welfare and security of his subjects, for any present necessity, or for any low and sordid considerations of wealth and gain: and therefore all men knowing that those accommodations are most easily made, and most exactly observed, that are grounded upon rea-

* This circumstance is greatly exaggerated by the noble historian, as appears by the foregoing List (p. 1362), of the subscribing Peers as it stands in their Journals.

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sonable and equal conditions, his maj. had great cause to believe that the contrivers of those Propositions had no intention of settling any firm accommodation; but to increase those jealousies, and widen that division, which, not by his majesty's fault, was now unhappily fallen between him and both houses.—It was asked, 'That all the lords and others of his privy council, and such great officers and ministers of state, either at home or beyond the seas, (for, he said, care was taken to leave out no person or place, that his dishonour might be sure not to be bounded within this kingdom) should be put from his privy council, and from those offices and employments, unless they should be approved by both houses of parliament,' how faithful soever his majesty had found them to him and to the public; and how far soever they had been from offending against any law, the only rule they had, or any others ought to have, to walk by. His majesty, therefore to that part of that demand, returned this Answer, 'That he was willing to grant that they should take a larger Oath, than they themselves desired in their 11th Demand, for maintaining (not of any part, but) the whole law. And, he said, he had and did assure them, that he would be careful to make election of such persons in those places of trust, as had given good testimonies of their abilities and integrities; and against whom there could be no just cause of exception, whereon, reasonably to ground a diffidence: That if he had or should be mistaken in his election, he had and did assure them, that there was no man so near to him, in place or affection, whom he would not leave to the justice of the law, if they should bring a particular charge and sufficient proof against him: that he had given them a Triennial Parliament, (the best pledge of the effects of such a promise on his part, and the best security for the performance of their duty on theirs) the apprehension of whose justice would, in all probability, make them wary how they provoked it; and his maj. wary, how he chose such as, by the discovery of their faults, might, in any degree, seem to discredit his election: but that, without any shadaw of a fault objected, only, perhaps, because they follow their consciences, and preserve the established laws; and agree not in such Votes, or assent not to such Bills, as some persons, who had then too great an Influence even upon both houses, judged, or seemed to judge, to be for the public good; and as were agreeable to that new Utopia of Religion and Government, into which they endeavoured to transform this kingdom, (for, he said, he remembered what names, and for what reasons, they left out of the bill offered him concerning the Militia, those which themselves had recommended in the Ordinance) he would never consent to the displacing of any, whom, for their former merits, and their affection to his maj. and the public, he had entrusted; since, he conceived, that to do so would take away both from the affection of his servants, and care of his service, and the honour of his justice: and, he said, he the more wondered, that it should be asked by them, since it appears by the 12th Demand, that themselves counted it reasonable, after the present turn was served, that the judges and officers, who were then placed, might hold their places, quamdiu se bene gesserint: and he was resolved to be as careful of those whom he had chosen, as they were of those they would chuse; and to remove none, till they appeared to him to have otherwise behaved themselves, or should be convicted, by legal proceedings, to have done so.—But, his majesty, said, that Demand, as unreasonable as it was, was but one link of a great chain, and but the first round of that ladder, by which his majesty's just, antient, regal power was endeavoured to be fetched down to the ground; for it appeared plainly, that it was not with the persons now chosen, but with his majesty's chusing, that they were displeased: for they demanded 'That the persons put into the places and employments of those who should be removed, might be approved by both houses;' which was so far from being less than the power of nomination, that of two things, of which he would never grant either, he would sooner be content, that they should nominate, and he approve: than they approve, and his majesty nominate; the mere nomination being so far from being any thing, that if he could do no more, he would never take the pains to do that; when he should only hazard whom he esteemed to the scorn of a refusal, if they happened not to be agreeable not only to the judgment, but to the passion, interest, or humour of the present major part of either house: not to speak of the great factions, animosities, and divisions which that power would introduce in both houses, and in the several counties, for the choice of such persons to be sent to that place where that power was, and between the persons that were so chosen. Neither was that strange potion prescribed to him only for once, for the cure of a present, pressing desperate disease; but for a diet to him and his posterity. It was demanded, 'That his counsellors, all chief officers both of law and state, commanders of forts and castles, and all peers hereafter made, be approved of,' that is chosen 'by them from time to time:' and rather than it should be ever left to the crown, (to whom it only did, and should, belong) if any place fall void in the intermission of parliament, the major part of the approved council was to approve them.' Neither was it only demanded that 'his majesty should quit the power and right his predecessors had of appointing persons in those places;' but for counsellors, he was 'to be restrained as well in the number as in the persons;' and a power must be annexed to those places which their predecessors had not. And, indeed, if that power were passed to them it would not be fit he should be trusted to chuse those who were to be trusted as much as himself.—He told them, to grant their Demands in the manner they proposed them, 'That all

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matters that concerned the public, &c. should be resolved and transacted only in parliament: and such other matters of state, &c. by the privy council so chosen,' was, in effect, at once to depose himself and his posterity. He said, many expressions in their demands, had a greater latitude of signification than they seemed to have; and that it concerned his maj. therefore the more that they should speak out: that both he and the people might either know the bottom of their demands, or know them to be bottomless. Nothing more concerned the public, and was indeed more proper for the high court of parliament, than the making of laws; which not only ought there to be transacted, but could be transacted no where else. But then they must admit his maj. to be a part of the parliament; they must not (as the sense was of that part of that demand, if it had any) deny the freedom of his Answer, when he had as much right to reject what he thought unreasonable, as they had to propose what they thought convenient or necessary. Nor was it possible his Answers, either to Bills or any other Propositions, should be wholly free, if he might not use the liberty that every one of them, and every subject, took, to receive advice (without their danger who should give it) from any person, known or unknown, sworn or unsworn, in those matters in which the manage of his vote is trusted, by the law, to his own judgment and conscience; which how best to inform was, and ever should be, left likewise to him. He said, he would always, with due consideration, weigh the advices both of his Great, and Privy Council; yet he should likewise look on their advices as advices, not as commands or impositions; upon them, as his counsellors, not as his tutors or guardians; and upon himself, as their king, not as their pupil or ward: for, he said, whatsoever of regality was, by the modesty of interpretation, left in his majesty in the first part of the second Demand, as to the parliament, was taken from him in the second part of the same, and placed in that new-fangled kind of counsellors; whose power was such, and so expressed by it, that in all public acts concerning the affairs of the nation, which are proper for the Privy Council (for whose advice all public acts are sometimes proper, though never necessary) they were desired to be admitted joint-patentees with his maj. in the regality; and it was not plainly expressed, whether they meant his majesty so much as a single Vote in those affairs; but it was plain they meant him no more, at most, than a single Vote in them, and no more power than every one of the rest of his fellow-counsellors.—And so, after a sharp discourse and explanation of the unreasonableness of the several Demands, or the greatest part of them; and the confusion that, by consenting thereunto, would redound to the subject in general, as well as the dishonour to his majesty, he told them, 'To all those unreasonable Demands, his Answer was, 'Nolumus Leges Angliæ mutari;' but renewed his promise to them for a very punctual and strict observation of the known laws established; to which purpose he was willing an oath should be framed by them, and taken by all his privy counsellors. And for any alteration in the government of the church, that a National Synod should be called, to propose what should be found necessary or convenient: and that, for the advancement of the Protestant religion against the Papists, they had not proposed so much to his majesty as he was willing to grant, or as he had himself offered before. He concluded with conjuring them, and all men, to rest satisfied with the truth of his professions, and the reality of his intentions, and not to ask such things as they denied themselves: that they would declare against Tumults, and punish the authors: that they would allow his majesty property in his towns, arms, and goods; and his share in the legislative power; which would be counted in him, not only breach of privilege but tyranny, and subversion of parliaments, to deny to them: and, when they should have given him satisfaction upon those persons who had taken away the one, and recalled those Declarations (particularly that of the 26th of May, and those in the point of the Militia, his just rights wherein he would no more part with than with his crown, lest he enable others, by them, to take that from him) which would take away the other; and declined the beginnings of a war against his majesty, under pretence of his intention of making one against them: as he had never opposed the first part of the 13th Demand, so he would be ready to concur with them in the latter; and being then confident that the credit of those men, who desire a general combustion, would be so weakened with them, that they would not be able to do this kingdom any more hurt, he would be willing to grant his General Pardon, with such exceptions as should be thought fit; and should receive much more joy in the hope of a full and constant happiness of his people in the true religion, and under the protection of the law by a blessed union between his majesty and his parliament, than in any such increase of his own revenue, how much soever beyond former grants, as, when his subjects were wealthiest, his parliament could have settled upon his majesty."

The Parliament's Petition to the King, in favour of the Yorkshire Petition, which he had refused.] June 25. The King's Answer to the parliament's Petition, presented to him on the 17th of this month, in favour of the Yorkshire Petition, which the king had refused to receive from the hands of sir Thomas Fairfax, at Heworth-Moor, was read. The said Answer, with the Petition that occasioned it, were as follows:

To the King's most excellent majesty; The Humble PETITION of the LORDS and COMMONS in Parliament assembled.

"Your majesty's most humble and faithful subjects, the lords and commons assembled in

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parliament, have lately received a Petition from a great number of the Gentry, Freeholders, and other Inhabitants of the county of York, assembled there by your majesty's command, the 3rd of June; wherein they declare unto us, 'That, having taken a resolution to address themselves unto your majesty in the humble way of a Petition, for the redress of those Grievances which they now lie under, they were violently interrupted and affronted therein by the earl of Lindsey, the lord Saville, and others; and notwithstanding all the means they could use to present their just desires to your maj. yet they could not prevail with your maj to accept of their Petition;' the copy whereof they have sent to us, with an humble desire, that we would take such course therein as may tend to the preservation of their liberties, and the peace of the kingdom; and that we would address ourselves to your maj. in their behalf, that, by our means, their desires may find better acceptation with your majesty.—Whereupon having seriously weighed and considered the particulars of those their Complaints and Desires, as they are laid down in their Petition; and finding that the Grievances, they complain of, are the Increase of the Miseries formerly sustained by that county, (which hath, well nigh for 3 years last past, been the tragical stage of armies and war) by reason of your majesty's distance in residence, and difference in counsels, from your Great Council the Parliament, begetting great distempers and distractions throughout the kingdom, and especially in that county; the drawing to those parts great numbers of discontented persons, that may, too justly, be feared do affect the public ruin for their private advantage; the drawing together of many companies of Trained Bands, and others, both of horse and foot, of that county, and retaining multitudes of commanders and cavaliers from other parts; the daily resort of Recusants to your majesty's court at York; the great preparations of arms and other warlike provisions, to the great terror and amazement of your majesty's peaceable subjects, and causing a great decay of trade and commerce amongst them: all and every of which particulars are against the law, which your majesty hath made so many and so frequent professions to uphold and maintain:—The lords and commons finding, on the other side, their humble desires to be, 'That your majesty would hearken to your parliament, and, declining all other counsels whatsoever, unite your confidence to your parliament; and that your majesty would not divide your subjects joint duty to your majesty, the parliament and kingdom; nor destroy the essence of your Great Council and Highest Court, by subjecting the determinations and counsels thereof to the counsels and opinions of any private person whatsoever; that your majesty having passed an act that this parliament shall not be dissolved but by act of parliament, your maj. would not do any thing tending thereunto, by commanding away the lords and great officers, whose attendance is necessary thereunto: and that your majesty having expressed your confidence in the affections of that county would please to dismiss your extraordinary Guards, and the Cavaliers and others of that quality, who seem to have little interest or affection to the public good; their language and behaviour speaking nothing but division and war, and their advantage consisting in that which is most destructive to others:' And, lastly, 'That in such Consultations and Propositions as your majesty maketh to that county such may not be thrust upon them as men of that county, that neither by their fortune or residence are any part of it.' All which their humble and most just desires being according to law, which your majesty hath so often declared should be the measure and rule of your government and actions: and we, your majesty's most faithful subjects, the lords and commons, fully concurring with the gentlemen and others of the county of York, in their assurance That those desires of theirs will abundantly redound to the glory of God, the honour and safety of your majesty, the good of your posterity, and the peace and prosperity of this kingdom, do humbly beseech your maj. graciously to hearken unto them, and to grant them; and that you would join with your parliament in a speedy and effectual course, for the preservation of their liberties, and the peace of the kingdom; which duty, as we are now called upon by that county to discharge, so do we stand engaged to God and man for the performance thereof, by the trust reposed in us, and by our solemn Vow and Protestation; and your majesty, together with us, stands engaged by the like obligation of trust, and of an Oath, besides the many and earnest professions and Protestations which your maj. hath made to this purpose, to your whole kingdom in general, and to that county in particular; the peace and quiet of this kingdom, (as is well observed by those gentlemen and free-holders of Yorkshire in their Petition) being the only visible means, under God, wherein consists the preservation of the Protestant religion, the redemption of our brethren in Ireland, and the happiness and prosperity of your majesty, and of all your dominions."

The King's Answer.] The King's Answer to the foregoing Petition of both houses, was as follows:

"His majesty hath carefully weighed the matter of this Petition, presented to him at York, on Friday the 17th of June, by the lord Howard, sir Hugh Cholmley, and sir Philip Stapylton: and though he might refer the petitioners to his two last Declarations, wherein most of the particulars in this Petition are fully answered, or might refuse to give any Answer at all, till he had received satisfaction in those high indignities he hath so often complained of, and demanded justice for; yet, that all the world may see how desirous his maj. is to leave no act, which seems to carry the reputation of both his houses of parliament, and in

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the least degree to reflect upon his majesty's justice and honour, unanswered, is graciously pleased to return this Answer:—That if the Petition, mentioned to be presented to both houses of parliament, had been annexed to this now delivered to him, his majesty might have discerned the number and the quality of the petitioners, which his maj. hath great reason to believe, was not in truth so considerable as is pretended; for his maj. assures you, That he hath never refused any Petition so attested as that would be thought to be: but his maj. well remembers, That on the 3rd of June, when there was, upon his majesty's Summons, the greatest and most chearful concourse of people that ever was beheld of one county, appearing before him at York, a gentleman (one sir Thomas Fairfax) offered, in that great confluence, a Petition to his majesty; which his majesty seeing to be avowed by no man but himself, and the general and universal acclamations of the people seeming to disclaim it, did not receive; conceiving it not to be of so public a nature, as to be fit to be presented or received in that place. And his maj. is most confident (and in that must appeal to those who were then present) that whatever the substance of that Petition was, it was not consented to by any considerable number of gentry, or freeholders of this county; but solicited by a few mean inconsiderable persons, and disliked and visibly discountenanced by the great body of the known gentry, clergy, and inhabitants of this whole county. And if the matter of that Petition were such as is suggested in this, his majesty hath great reason to believe it was framed and contrived (as many others of such nature have been) in London, not in Yorkshire. For sure no gentleman of quality and understanding, of this county, would talk of his great preparations of Arms, and other warlike provisions, to the great terror and amazement of his peaceable subjects, when they are witnesses of the violent taking his arms from him, and stopping all ways for bringing more to him: and if there were no greater terror and amazement of his majesty's peaceable subjects, in other places, by such preparations and provisions, there would be no more cause to complain of a great Decay of Trade and Commerce there, than is in this place: But his maj. hath so great an assurance of the fidelity and general affections of his good subjects of this county, (which he hopes will prove exemplary over his whole kingdom) that he hath great cause to believe, That they do rather complain of his majesty's confidence, and of his slowness; that whilst there is such endeavour abroad to raise Horse, and to provide Arms against his majesty, and that endeavour put in execution, his maj. trusts so much to the justice of his cause and the affections of his people; and neglects to provide strength to assist that justice, and to protect those affections. For any affronts offered, by the earl of Lindsey and the lord Saville, to those who intended to petition his majesty, his maj. wishes that both his houses of parliament would have examined that information, and the credit of the informers, with that gravity and deliberation, as in cases which concern the innocence and honour of persons of such quality hath been accustomed; before they had proscribed two peers of the realm, and exposed them (as much as in them lay) to the rage and fury of the people, under the character of being enemies to the common-wealth; a brand newly found out (and of no legal signification) to incense the people by, and with which the simplicity of former times was not acquainted: and then his maj. hath some reason to believe they would have found themselves as much abused in the report concerning those lords, as he is sure they are in those which tell them of 'the Resort of great numbers of discontented persons to him,' and of the other particulars, mentioned to be in that Petition: Whereas they who observe what resort is here to his majesty, well know it to be of the prime gentlemen of all the counties in England; whom nothing but the love of Religion, the care of the laws and liberties of the kingdom, besides their affection to his person, could engage in so great journies, trouble, and expence: Men of as precious reputation, and as exemplary lives as this nation hath any; whose assistance his maj. knows he must not expect, if he should have the least design against honour and justice; and such witnesses his maj. deires to have of all his actions.—For 'the declining all other Counsels, and the uniting of his confidence to his parliament;' his majesty desires both houses of parliament seriously and sadly to consider, That it is not the name of a Great or Little Council that makes the results of that council just or unjust; neither can the imputation upon his majesty, of 'not being advised by his parliament,' (especially since all their actions, and all their orders are exposed to the public view) long mislead his good subjects, except in truth they see some particular sound advice, necessary to the peace and happiness of the common-wealth, disesteemed by his majesty; and such an instance, he is most assured, neither can nor shall be given: and that they will think it merit in his majesty, from the common-wealth, to reject such counsel as would persuade him to make himself none of the Three Estates; and giving up his negative voice, to allow them a power superior to that which the law hath given him, whensoever it pleaseth the major part, present, of both houses to say, 'That he doth not discharge his trust, as he ought;' and to subject his, and his subjects, unquestionable right and property to their Votes, without, and against law, upon the mere pretence of necessity. And his majesty must appeal to all the world who it is, 'that endeavours to divide the joint duty of his subjects;' his majesty, who requires nothing but their own duty, guided by the infallible rule of the law, leads them to do; or they, who, by Orders and Votes (opposite and contradictory to law, custom, precedent, and

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reason) so confound the affections and understandings of his good subjects, that they know not how to behave themselves, with honesty and safety; whilst their conscience will not suffer them to submit to the one, or their security to apply themselves to the other.—It is not the bare saying, 'That his majesty's actions are against the law,' (with which he is reproached in this Petition, as if he departed from his often Protestations to that pupose) must conclude him; there being no one such particular in that Petition alledged, of which his majesty is in the least degree guilty. Whether the same reverence and esteem be paid by you to the law, (except your own Votes be judges) need no other evidence than those many, very many, Orders, published in print, both concerning the church and state; those long imprisonments of several persons, without hearing them, upon general information; the great unlimited fees to your officers, worse than the imprisonment, and the arbitrary censure upon them when they are admitted to be heard: let the law be judge by whom it is violated.—For that part of the Petition which seems to accuse his majesty of a 'Purpose to dissolve this parliament,' (contrary to the act for the continuance') 'by commanding away the lords and great officers, whose attendance is necessary:' This his majesty well knows to be a new calumny, by which the grand contrivers of ruin for the state hope to seduce the minds of the people from their affection to, or into jealousy of, his majesty; as if he meant, this way, to bring this parliament (which may be the case of all parliaments) to nothing. It is not possible for his majesty more to express his affection to, and his resolution for, the freedom, liberty, and frequency of parliaments, than he hath done; and whoever considers how visible it must be to his majesty, That it is impossible for him to subsist without the affections of his people, and that those affections cannot possibly be preserved, or made use of, but by parliaments, cannot give the least credit, or have the least suspicion, that his maj. would chuse any other way to the happiness he desires for himself and his posterity, but by parliaments.—But for his calling the lords hither, or any others absenting themselves who have not been called, whoever considers the Tumults (which no Votes or Declaration can make to be no Tumults) by which his maj. was driven away, and many members of either house in danger of their lives; the demanding of the names of those lords, who would not consent to their Propositions, by a Message from the house of commons delivered at the bar by Mr. Hollis; with that most tumultuous Petition in the name of many thousands, (among many others of the same kind) directed to the house of commons, and sent up by them to the house of lords, taking notice of the prevalency of a Malignant faction which made abortive all their good motions that tended to the peace and tranquillity of the kingdom; desiring that those noble worthies of the house of peers, who concurred with them in their happy Votes, might be earnestly desired to join with that honourable house, and to sit and vote as one intire body; professing, That unless some speedy Remedy were taken for the removal of all such obstructions as hindered the happy progress of their great endeavours, their petitioners should not rest in quietness; but should be inforced to lay hold of the next Remedy which was at hand, to remove the disturbers of their peace; and (want and necessity breaking the bounds of modesty) not to leave any means unessayed for their relief: adding, that the cry of the Poor and Needy was, That such persons who were the obstacles of their peace, and hinderers of the happy proceedings of this parliament, might be forthwith publickly declared; whose removal, they conceived, would put a period to these distractions. Upon which, a great number of lords departing, the Vote, in order to the Ordinance concerning the Militia, was immediately passed; though it had been twice before put to the question, and rejected by the votes of much the major part of that house. And whoever considers the strange Orders, Votes, and Declarations which have since passed, to which whosever would not consent, that is, with freedom and liberty of language protest against, was in danger of censure and imprisonment, will not blame our care in sending for them, or theirs in coming, or absenting themselves from being involved in such conclusions.' Neither will it be any objection, 'That they stayed there long after any Tumults were, and therefore that the Tumults drove them not away.' If every day produced Orders and Resolutions as illegal as, and indeed but the effects of, the Tumults, there was no cause to doubt the same power would be ready to prevent any opposition to those Orders after they were made, which had made way and preparation for the proposition of them; and so whosoever conceived himself in danger of future Tumults (against which there is not the least provision) was driven away by those which were past. And his majesty hath more reason to wonder at those who stay behind, after all his legal power is voted from him, and all the people told, 'That he might be, with modesty and duty enough, deposed,' than any man hath at those who have been willing to withdraw themselves from the place where such desperate and dangerous positions are avowed. This his maj. doth not mention, with the least thought of lessening the power or validity of any act to which he hath given his assent this parliament; all and every of which he shall as inviolably observe, as he looks to have his own rights preserved; but to shew by what means so many strange Orders have of late been made: and to shew how earnestly his maj. desires to be present with, and receive advice from, both houses of parliament, (against whom it shall never be in the power of a Malignant party to incense him) his maj. again offers his consent That both houses may be adjourned to any

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other place which may be thought convenient, where his maj. will be present, and doubts not but the members of either house will make a full appearance; and even the intermission, which must attend such an adjournment, may not be the least means of recovering that temper which is necessary for such debates.—And this his majesty conceives to be so very necessary, that if the minds and inclinations of every member of either house were equally composed, the licence is so great that the mean people about London and the suburbs have taken, that, both for the liberty and dignity of parliament, that convention, for a time, should be in another place. And sure, how much soever the safety and security of this kingdom depends on parliaments, it will never be thought that those parliaments must of necessity be at Westminster.—His majesty's confidence is no less than he hath expressed (and hath great cause to express) in the affections of this county; an instance of which affections all men know his Guard (which is not extraordinary) to be; and wonders that such a legal Guard, at his own charge, for his person, (within 20 miles of a Rebellion, and of an army in pay against him) should be objected to by those, who, for so many months, and in a place of known and confessed security, have, without and against law, kept a Guard for themselves, at the charge of the common-wealth, and upon that stock of money which was given for the relief of the miserable and bleeding condition of Ireland, or the payment of the great debt due to our kingdom of Scotland.—For the resort of Papists to the court; his majesty's great care for the prevention thereof is notoriously known: That when he was informed two or three of his intended Guard were of that religion, he gave special direction, with expressions of his displeasure, that they should be immediately discharged; and provided that no person should attend on him, under that relation, but such as took the oaths of allegiance and supremacy; that he commanded the sheriff to proceed with all severity, according to the law, against all Papists that should come within 5 miles of the court; and if, notwithstanding this, there be any Papists near the court, (which his maj. assures you he knows not, nor hath heard, but by this Petition) he doth hereby command them to depart; and declares to all officers and ministers of justice, that they shall proceed strictly against them, according to the law, and as they will answer the contrary at their perils. —For the language and behaviour of the Cavaliers (a word, by what mistake soever it seems, much in disfavour) there hath not been the least complaint here; and therefore it is probable the fault was not found in this county. Neither can his majesty imagine what is meant by the mention of 'any men thrust upon them, in such consultations and propositions as his majesty makes to this county, who are neither by their fortune or residence, any part of it;' and therefore can make no Answer to it.—To conclude: his majesty assures you, he hath never refused to receive any Petition, (whether you have or not yourselves best know) and will consider what reputation it will be to you of justice or ingenuity to receive all Petitions, how senseless and scandalous soever, of one kind, under the pretence of understanding the good peoples minds and affections; and not only refuse the Petition, but punish the petitioners of another kind, under colour, That it is a crime, that they are not satisfied with your sense; as if you were only trusted by the people of one opinion, to take all pains to publish and print Petitions which agree with your wishes, though they were never presented; and to use the same industry and authority to keep those, that indeed were presented and avowed, from being published, (though by our own authority) because the argument is not pleasant to you; to pretend Impartiality and infallibility, yet to express the greatest passion and affection in the order of your proceedings, and no less error and misunderstanding in your judgments and resolutions.—He doth remember well the obligation of his trust, and of his oath; and desires that you will do so too, and your own solemn vow and Protestation; and then you will not only think it convenient, but necessary, to give his maj. a full reparation for all the scandals laid upon him, and all the scandalous positions made against him; and that it is less dishonour to retract errors, than, by avowing, to confess the malice of them; and will see this to be the surest way for the preservation of the Protestant religion, the redemption of your brethren in Ireland, the happiness and prosperity of yourselves, and all our dominions, and of the dignity and freedom of parliament."

The foregoing Petition and Answer being read, the lords resolved to desire a conference with the commons thereupon, 'Being (as it is expressed in their Journals) a matter the most dangerous and highest that ever came to them; whereby it appeared, that divers scandalous and false Informations were come to his majesty's ears, even of things within their own walls; which, because he seemed to believe and declare to the world, under his own name, it was high time for both houses to clear themselves from those calumnies, by the punishment of those false Informers, and by all other good ways that can be thought of.' This was to be the subject of the conference.—It was also ordered, "That it be referred to the committee, formerly appointed to clear the house from the Imputations laid on them in his majesty's Messages, to collect all the Falsities and Scandals contained in this and the other Messages; to set them forth in one Declaration; and to shew the several Violations of the Laws, since the professions to the contrary; yet notwithstanding to express their duty to his majesty, and their care of the peace; and to declare, that the house does intend to go on with the Propositions; and that, at the time of these sharp Messages, there is a gathering of forces together, and a design to

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fortify Newcastle; and to shew what necessity there is, upon these occasions, to stir up the people to their subscriptions."

The Lord Mayor, &c. censured for dispersing a Proclamation of the King.] A Proclamation of the King against levying of Horse, bringing in of Money, Plate, &c. for the use of the parliament, having been attempted to be proclaimed in London; and, by order of the lord mayor, posted up at the usual places in the city; the sword bearer, who did it, was sent for, and committed to the fleet. The lord mayor and sheriffs were also ordered to attend the house the next day: but the lord mayor, at his appearance, averring, That he was bound by his oath, to execute any writs from the king, he was told by the Speaker, in the name of the house, 'That he was not bound, by any oath, to execute any writ against law; and that they required him not to publish any thing of that kind, before he had acquainted the parliament therewith; as he would answer the contrary at his peril.'

Debate on the Nineteen Propositions.] June 27. The commons took into consideration their 19 Propositions to the king for peace, and his Answer to them: and, in a full house, it was resolved, 1. 'That the house should not insist upon naming the lord high steward of England, mentioned in the third Proposition.' 2. 'That the house shall insist upon the lord chancellor, or lord keeper of the great seal, to be always chosen with the approbation of both houses of parliament.' The like Resolutions were separately made on the parliament's nomination of the lord treasurer, lord admiral, lord chief governor of Ireland, master of the wards, the two chief justices and the chief baron; but they gave up to the king the election of the lord privy-seal, the earl marshal, warden of the Cinque-Ports, chancellor of the Exchequer, and the two secretaries of state.

Informations from Newcastle.] July 1. At a conference the commons communicated an abstract of some Letters they had received from Newcastle, dated the 22d and 28th of June, which were as follows.

"We fear a storm, and we see it already begun. The earl of Newcastle came here on Friday last, to be governor of Newcastle. He hath taken up a great many soldiers and our town is now guarded. Capt. Legge is there with a great many debauched commanders; and drums go about for all soldiers that will serve the king and parliament, as they say; they refuse none, whatsoever condition they be of: 300 soldiers are sent down to Tinmouth castle to guard it; and they have all arms given them out of the magazine here in this town: there are great guns going down to them, six pieces: they are casting up trenches as fast as may be: there is a fort making at the Haven Mouth, that no ships can go in or out without their leave. We never lived in the like fear which now we live in. The earl of Newcastle, who is lord-lieutenant, hath forced all his tenants to take up arms; and there is many of sir Wm. Widdrington's own tenants have taken arms. Sir Wm. is now in parliament; but his chief steward brought them in. I was down at Shields and saw the trenches myself. Yesterday all the constables in this town were commanded to go through their several wards, and take notice what arms are in them, and to give a list to the lord-lieutenant. They have got engineers out of Germany, and gunners for their great guns. The earl of Newcastle came hither last week, and, in his way, gave out a warrant to the sheriff and other officers of the county of Durham, to send here 100 horse, and 500 foot with their officers. There are come in, of the earl's and sir Wm. Widdrington's tenants, about 200, and have taken arms much against their wills. At Durham the drum beat up, they said, for the king; but since they came here, it is struck up for the king and parliament. The earl is making forts at Shields. There is divers of the great ordinance removed to the key-side to be sent down. There is here an expectation of some direction from parliament to countermand them; and if speedy course were yet taken, it might reduce all that is done."

Upon this both houses came to the following Resolutions: "First, was represented the inconveniences and danger, by bringing of soldiers into Newcastle; as, That it was an easy receptacle for foreign forces. A receptacle, also, for such ill-affected persons as might repair thither out of the south parts of Scotland. They would have the power of restraining the trade of sea-coal, and enhancing the price, having the entire command over them. The well-affected people there would be too much discouraged, as they had been too much already, by putting in these forces; and the Papists, thereabouts, would be much encouraged, wherewith Northumberland and the bishoprick do much abound; and the party of malignant clergy, which is strong there also, would be ready to join with them. Lastly, The fear of begetting a jealousy between the two nations of England and Scotland, and breaking the Pacification. Next, For the illegality of this proceeding: it was done by a Warrant from the earl of Newcastle, to the sheriff, deputy-lieutenants, &c. of the bishoprick of Durham; reciting a Warrant of his majesty's, who had made him lord-lieut. of the counties of Northumberland and Durham, and governor of Newcastle, and giving him power to place a garrison there. This was illegal, because all such commissions of lieutenancy, &c. were declared to be against law. The drawing of armed men, out of one county into another, by any Warrant, as this was, is also against law. The Remedy proposed for this, was, first, To set out a Declaration against this illegal proceeding. Next, To command the inhabitants of the counties of Durham and Northumberland, not to suffer such forces to go out of their counties; nor to send any such into Newcastle; with an inhibition to the inhabitants of that place to receive any. That

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two of the king's ships should be sent to guard the mouth of the Tyne, and to receive and execute, from time to time, the directions of parliament, for the preservation of that place, and prevent the inconveniences that may happen from the new built fort."

The king's Commission of Array having been proclaimed and published in London, it was ordered, That the lord mayor, the sheriffs, the mace-bearer, and all other officers that had any hand in this Proclamation, should attend the house the next morning: and a Declaration of parliament having been framed, by the commons, against the said commission, it was agreed to by the lords, and ordered to be forthwith printed and published. An Ordinance was made to constitute Robert earl of Warwick commander in chief over all the Fleet, now at sea, with a full commission to remove or displace all officers whatsoever, &c. instead of the earl of Northumberland; who is therein styled a person of known integrity and honour, whom the kingdom might safely confide in, but lately discharged, by the king, from being lord high admiral of England.

Orders, &c. relating to the command of the Fleet.] July 4. At a conference of both houses, a Letter sent from the king to the earl of Warwick was read, importing, "That whereas his majesty had discharged the earl of Northumberland from being lord high admiral of his Fleet, this was to charge the said earl, on his allegiance, and as he tendered the peace of the kingdom, to give over and relinquish the command he had, or pretended to have, in any of the king's ships; since it was notoriously known, that, by the laws of the land, it was no less than high treason, for any person whatsoever, to detain any of his majesty's ships contrary to his commands."—Then a List was shown of such officers, as at a council of war, held on board the James, agreed to obey the Ordinance of parliament, and the earl of Warwick's commands, to the number of ten captains and six masters: but sir John Mennes, capt. Robert Slingsby, capt. John Burley, capt. R. Fogg, and capt. Baldwin Wake, sent letters each of them to the earl, which letters were read in the house, declaring, "That they had all received Injunctions from the king, and therefore they could not obey his commands." On which they were ordered, by the house, to be sent for as delinquents; and that, if they refused to come, the earl was desired to cause them to be apprehended, and to place persons of trust in their room.

Persons punished for aspersing the Parliament.] Many persons were, at this time, summoned as delinquents by each house for disrespectful words used against particular members, or the proceedings of parliament, and punished by fine and imprisonment. Two were tried this day at the lords bar; one of them, Mr. Windebank, for saying, "That Mr. Pym had taken a Bribe of 30*l.* sitting in the chair in Easter Term: that he had as many sugar loaves given for bribes, as he had sold for 6 or 700*l.* and that before he was a parliamentman he was worth little; but he had now cozened the king of as much money, as he had bought a good estate, and given 10,000*l.* of the king's money, to the marriage of his daughter."

Orders against publishing the King's Declarations, &c.] July 5. Both houses agreed in publishing an Order, "That whereas several Proclamations, Declarations, and Papers in forms of Proclamations, had issued out in his majesty's name, commanding all parsons, vicars, curates, sheriffs, mayors, bailiffs, and other officers, to publish and proclaim the same, contrary to law and divers Orders, Ordinances, and Declarations of parliament; and much to the scandal and derogation of it, &c. This was to inhibit all such parsons, and other officers, from doing the same; and those that refused in that manner, should be protected by the power and authority of both houses of parliament."

The Lord Mayor impeached.] This day the commons sent up serjeant Wyld, with an Impeachment against sir Rd. Gurney, lord mayor of London, importing, "That the said sir Richard, on or about the last day of June, 1642, being then lord mayor of London, in several places of the said city, unlawfully and maliciously caused a Proclamation to be made for the putting in execution the Commission of Array; tending to the raising of forces against the parliament, and to the subversion of the laws and peace of this kingdom: for the which the house of commons did impeach the said sir Richard in their names, and of all the commons of England, of high Crimes and Misdemeanors; and they desire that he may be called to a speedy Answer, in the presence of the commons."—The lord mayor, being at the bar, was asked for his Answer, who confessed, "That he caused the said Proclamation to be published." And being again asked whether he would justify and stand by his Answer, or not? He said, "That he desired counsel to advise him in that, and some time to answer." Hereupon counsel was allowed him; and that he should put in his Answer, personally, on the 8th instant.

Advice of the King's intending to besiege Hull.] July 6. Mr. Marten reported, from the committee appointed to consider of the defence of the kingdom, That col. Wilmot, sir Hugh Pollard, and sir John Berkley, were landed with 14 pieces of brass ordnance, and are making fortifications near Hull: that the lord Willoughby and sir Tho. Glemham are come with 200 horse upon the Humber-side, in Lincolnshire: that the king came to Beverley on the 4th instant, in the morning, intending to sit down before Hull the next day: that his majesty had, by Proclamation, forbid any provisions to be sent into that town, on pain of death; and had cut off the fresh-water river that comes to Hull, and diverted the stream another way: but that (God be thanked) sir John Hotham had drowned the country

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two miles round the town, so that no near approach could be made.

This day it was resolved by both houses, 1. "That 10,000 foot be raised, 5000 out of the liberty of London, and 5000 out of the counties adjacent: to form them into regiments and companies, and place officers over them: to keep the officers in continual pay, and pay the common soldiers every day that they were trained. Drums were likewise ordered to beat up for soldiers, in and about the city, with all expedition. 2. That all such horses as are brought in, by the lords and commons and others, on the Propositions, shall be mustered in Tothil-Fields, on Saturday next: and that 500 men shall be sent from hence by sea, to Hull."

Impeachment of Mr. Hastings and others, for executing the King's Commission of Array.] July 8. The commons at a conference, delivered to the lords an Impeachment against Henry Hastings, esq. second son to the earl of Huntingdon, sir Rd. Halford, sir John Bale, and John Pate, esq. for High Crimes and Misdemeanors; in which Impeachment the commons desired the lords to use all expedition. A copy of which Articles were as follows:

"Whereas, by order and command of the lords and commons in parliament, for the safety and defence of the county of Leicester, the Magazine of the said county was delivered into the hands of Henry earl of Stamford; who, in June 1642, removed a great part thereof to his dwelling-house called Broadgate, in the said county, for the more safety and security thereof: And whereas, in the said month of June, several Warrants issued out, by order of both houses of parliament; the one directed to the gentleman usher of the house of peers, his deputy or deputies; the other, to the serjeant at arms attending on this house, his deputy or deputies, for the apprehending of the said Henry Hastings, sir Rd. Halford, sir John Bale, and John Pate, for High Crimes and Misdemeanors by them committed against the said houses of parliament, to answer the same before the said houses: He the said Henry Hastings, sir Rd. Halford, sir John Bale, and John Pate, well knowing the premises; and the said sir Rd. Halford, sir John Bale, and John Pate, being then, and yet, Justices of the Peace of the said county, in or about the 22nd day of the said month of June, wickedly and maliciously, without warrant of law, did raise and draw out of the several counties of Derby, Lincoln, and Leicester, forces of horse and foot to the number of 300 persons, or thereabouts, some of them being colliers, and other mean and desperate persons, and many of them Papists, and them unlawfully assembled at Loughborough in the said county of Leicester; where the said Henry Hastings, the day aforesaid, made proclamation, 'That if any persons, affected to that service, wanted arms, and would repair to the town, they should be furnished therewith.' And they the said Henry Hastings, &c. together with the said other persons so assembled, being armed with swords and pikes; and with pistols, muskets, and carbines, ready charged with powder and bullets, and other habiliments of war, marched along in a warlike manner; with drums beating, colours flying, and their matches lighted, to the great terror and affrightment of his majesty's subjects, divers miles within the said county of Leicester, to the town of Leicester, and so through the said town, with great noise and shouting, to a certain place near the said town called Horse-Fair Lease; to the intent to keep themselves from being arrested by the said officers of both houses of parliament; and in case they should be so arrested, then to rescue themselves by force: and to the intent likewise to take away the said Magazine by force and arms, and to kill and destroy the said earl of Stamford, he the said Henry Hastings, and some other of his said accomplices, giving out 'That they would fetch away the said Magazine with a vengeance; and that they would have the said earl's life before they left; and would fire his house and have his heart's blood out,' with divers other such-like desperate speeches.—And the said Henry Hastings, &c. with the rest of their said confederates, being so assembled at the said Horse-Fair Lease, John Chambers and James Stamford, being authorized thereunto by a Deputation under the hand of the officers aforesaid, together with Archdale Palmer, esq. then high sheriff of the said county of Leicester, and divers other persons in their aid and assistance, repaired to the said place to execute the said Warrants from both houses of parliament; and the said Henry Hastings well knowing thereof, did then tell the said Chambers, 'That he knew he had Warrants from the parliament as well for others as for himself;' whereupon the said Chambers produced the said Warrants, and read them openly in the hearing of the said Henry Hastings, &c. to yield obedience to the said Warrants; which they refused to do; but, instead thereof, they, and other their said adherents, did violently assault the said high sheriff, Chambers, and Stamford, and rode upon them with their horses; and one of the said confederates, named Mr. Walter Hastings, with his pistol charged, gave fire upon the said Chambers; and some others of them drew out their pistols, and presented their muskets upon the said high sheriff and Chambers, using other force and violence upon them, to the great danger of their lives: and the said Henry Hastings, &c. by force and arms, and in a warlike manner, at the time and place aforesaid, rescued themselves from the said officers and high sheriff, in contempt of justice, and to the high affront and scorn of the parliament; and afterwards marched back again, in like warlike manner, into the said town of Leicester; all which doings of the said Henry Hastings, &c. were, and are, contrary to the laws of this realm; the rights and privileges of parliament, tending to sedition, and to the danger and effusion of much blood; wherefore the

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said commons do, in the name of themselves and of all the commons of England, impeach the said Henry Hastings, &c. of the said several high crimes and misdemeanors.—And the said commons, by protestation, saving to themselves now, and at all times hereafter, the liberty of exhibiting of any other accusation or impeachment against the said Henry Hastings, sir Rd. Halford, sir John Bale, and John Pate, or any of them; and of replying to the Answers they shall make; or of offering any proofs of the premises, or any of them; or of any other Accusation or Impeachment against them or any of them, as the case, according to the course of justice, shall require; do pray that the said Henry Hastings, &c. and every of them, may be forthwith put to answer the premises in presence of the commons; and that such proceedings, examinations, trials, and judgments may be upon them, and every of them, had and used, as shall be agreeable to law and justice."

Ordered, That the aforesaid gentlemen should appear before the house, at a time prefixed, to hear the Impeachment read, and to put in their Answers to it.

The Lord Mayor's Answer to his Impeachment.] This being the day appointed for the Lord Mayor to make Answer to his Charge, he was called to the bar, as a delinquent, where he delivered in the following Answer:—"The Humble Answer of sir Richard Gurney, knt. &c. This defendant, saving to himself all benefit of exceptions to the Impeachment against him exhibited by the honourable house of commons, saith, That he, this Defendant, is not guilty of all or any of the Crimes and Misdemeanors, in and by the said Impeachment against him charged. R. GURNEY."

The Parliament resolve to raise 10,000 *Volunteers in London.*] July 9. The lords agreed to several Propositions, from the commons, to be presented to the citizens in common council, for raising 10,000 Volunteers with all speed, &c. and regulating the proportion of pay for horse and foot in their service. The first of these Propositions, for raising 10,000 Volunteers, was put to the question in the commons, and carried affirmatively by a majority of 125 against 45.

A further Impeachment against the Lord Mayor.] July 11. At a conference the commons exhibited, to the lords, a further Impeachment against the Lord Mayor; which being afterwards read to him at the bar, he desired more time might be given him to answer by counsel. And being asked, Why he refused, at the last common council, to put the question for stowing the Magazine that came from Hull, in the city; according to order of both houses, but protested against it? The lord mayor answered, He thought not fit to lay so much powder in the city, being dangerous; there being much there already, and more they cannot find room for. Afterwards he withdrew, and then it was resolved, "That the lord mayor of London, for his contempt to this house, shall be committed to the Tower; and that the lieutenant there shall take care to keep him in safe custody, as he will answer it at his peril." A further day was ordered for his trial.

The Parliament's Narrative of the Proceedings of the King's evil Counsellors.] A Declaration of Parliament was this day agreed on by both houses, to be sent down into the North; as follows:

"It cannot be unknown to the world, how powerful and active the wicked Counsellors about his majesty have been, both before and since this parliament, in seeking to destroy and extinguish the true Protestant Religion, Liberty, and Laws of the kingdom; and that, after many traiterous endeavours against the parliament, by God's providence discovered and frustrated, they drew his majesty into the Northern parts; and, in his name, did publish divers false scandals and ignominious reproaches against the lords and commons; making his majesty's court a sanctuary for all kind of delinquents against the justice and privilege of parliament; and drawing to York, by letters and other means, divers members of both houses; and setting up there a counterfeit imaginary visage of a great council of the peers, in opposition to the parliament; to the great danger, not only of the disturbance, but even of the subversion, of the original constitution and frame of this kingdom.—And, that the way to the great change in Religion and Government intended might be made more easy and passable, many of those, who have shewed themselves faithful to the cause of God and the kingdom, either in parliament or in the country, are put out of the commission of peace and other public employments. The sheriff of Leicester (labouring to keep the peace when Mr. Henry Hastings marched from Loughborough into Leicester, with about 200 foot and 100 horse, of which many were drawn out of Derbyshire, armed, in a warlike manner, with pistols, pikes, and muskets, their drums beating and colours flying, intending to seize upon the Magazine of the county) was, for his good service, put out of his office; and Mr. Hastings, the person who committed this outrage, made sheriff in his place; divers great lords, his majesty's servants, in places of nearness and trust, persons of high honour, merit, and abilities, as the earls of Pembroke, Essex, and Holland, and the lord Fielding, displaced for no other cause but discharging their conscience in parliament; besides divers members of the house of commons, one of which hath long served his majesty in places of honour, and had always been in great favour and esteem till he faithfully discharged his duty in parliament: and, last of all, the earl of Northumberland put from the place of high admiral; a man so eminent in all qualifications of honour and sufficiency, so necessary for the state at this time, when so many ships are at the sea, and the kingdom in so much trouble and distraction, that there can hardly be named a

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more mischievous effect of wicked counsel, or dangerous preparatives to future confusions, than the bereaving the state of the service of so noble and virtuous a person as he is.—The consideration whereof enforceth both houses to declare, That they cannot think the kingdom in safety, nor themselves to have discharged the trust that lies upon them, till they have done their uttermost, by all fit ways, to procure that office to be restored; whereby the command of the ships, which are the walls of the kingdom, may again be settled in the charge of that noble lord.—In the midst of these unjust and destructive courses, to blind the eyes of the multitude, and disguise their malicious and cruel intentions under the semblance of peace and justice, they have drawn his maj. to make divers solemn Protestations, with fearful imprecations upon himself, and invocations of God's holy name, 'That he intendeth nothing but the welfare of his people; the maintenance of Religion and the Laws of the kingdom; and, for his own security, only to raise a Guard for his person: and that he did, from his soul, abhor the thought of making war against the parliament, or to put the kingdom into a combustion: But having, under this colour, kept about him divers soldiers and officers and gathered some strength, the intentions do now appear with a more open face, by these his majesty's ensuing actions and proceedings; which the lords and commons have thought good to publish, that all the subjects of the kingdom may understand what dangers and miseries are coming upon them, if not timely prevented.—A Garrison of soldiers is, by his majesty's order put into Newcastle, under the command of the earl of Newcastle; who should have formely seized upon Hull, if, by the wisdom of the parliament, he had not been prevented. The Papists in Cheshire have lately in a very peremptory manner, and in his majesty's name, demanded their arms, taken from them by direction of both houses of parliament, to be again restored to them.—The earl Rivers, lately a notorious professed Papist, and still suspect to be a Papist, although he now comes to church as many other dangerous Papists do, on purpose, as is conceived, to make themselves capable of employment, is put into the Commission of Array, being against law and the liberty of the subject; which he hath executed with rigour, and hath committed divers persons to prison for refusing to submit thereunto, contrary to law and the Petition of Right.—The mouth of the river Tyne is fortified, whereby the whole trade of Newcastle for coal, or otherwise, will be subject to be interrupted whensoever his maj. shall please; and the city of London, and many other parts of the kingdom, exceedingly burdened and distressed.—A ship laden with cannon for battery, and other lesser ordnance, powder, and ammunition is come into the river Humber, which also hath brought divers commanders from foreign parts; and in this ship, we are credibly informed, were Mr. Henry Wilmot, sir John Berkley, and sir Hugh Pollard, three of those who stand charged in parliament for being privy to the design of bringing up the army; and, amongst others, the lord Digby, a person accused in parliament of high treason; who, when he began to be questioned, fled out of the kingdom; and advised his majesty, by letters, to that course which he hath since pursued, of withdrawing himself from his parliament to a place of strength: and that then he intended to come to him, and in the mean time would do him service abroad.—Divers other large preparations of warlike provisions are made beyond the seas, and shortly expected; besides great numbers of gentlemen, horses, and arms drawing from all parts of the kingdom; and all the gentlemen in Yorkshire required to bring in their horses for his majesty's service; sundry commissions are granted for raising horses, and divers officers of the army are already appointed. Upon Monday morning the 4th of July, his maj. came to Beverley with an army of a considerable number of horse and foot, some regiments of the Trained Bands being likewise commanded to be raised. Amongst the soldiers in this army there are divers Papists, and other persons of desperate fortune and condition, ready to execute violence, rapine, and oppression.—Some troops of horse are sent into Lincolnshire, to the great terror of the well-affected people; who are thereby forced either to forsake their dwellings or to keep them with armed men: they begin already to take away men's horses by force, and commit other acts of hostility; and have uncivilly used the gentlemen sent from the parliament with a Letter to his majesty. Provisions are restrained from coming to Hull, and his majesty is shortly expected to come thither with his army; nowithstanding the place is in the custody of the parliament, as hath been often declared to his majesty by both houses, and kept by them for his service and the peace of the kingdom, whereof as soon as they are assured, they intend to leave the town in the state it was.—The War being thus begun by his majesty, the lords and commons in parliament hold themselves bound in conscience to raise forces for the preservation of the peace of the kingdom, and protection of the subjects in their persons and estates according to law, the defence and security of parliament, and of all those who have been employed by them in any public service for these ends; and, through God's blessing, to disappoint the designs and expectations of those who have drawn his maj. to these courses and counsels, in favour of the Papists at home, the rebels in Ireland, and the foreign enemies of our religion and peace.—In the opposing of all which they desire the concurrence of the well-disposed subjects of this kingdom; and shall manifest, by their courses and endeavours, that they are carried by no respects but of the public good, which they will always prefer before their own lives and fortunes; and shall ever be most earnest, in their counsels and endeavours, to prevent a Civil War, and

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those miserable effects it must needs produce, if they may be avoided, without endangering the alteration of religion; which is the main end of those who have been the authors and counsellors of his majesty's undertaking this war, and will necessarily draw with it a loss of liberty, and subversion of the law of the kingdom; so that it rests only that the free-born English nation to consider whether they will adhere to the king and his parliament, by which they have so long enjoyed all that is dear unto them; or to the king, seduced by Jesuitical counsel and cavaliers, who have designed all to slavery and confusion; which, by God's blessing and our joint endeavours, may be timely prevented."

The Parliament's Declaration against the King's compelling the Attendance of his Subjects.] July 12. A third Declaration was agreed to by both houses, in these words:

"The lords and commons declare, That it is against the laws and liberties of the kingdom, that any of the subjects thereof should be compelled by the king to attend him at his pleasure but such as are bound thereto by special service: and if any messenger or officer shall, by colour of any command from his majesty, or warrant under his majesty's hand, arrest, take, or carry away any of his majesty's subjects, to any place whatsoever, contrary to their wills, that it is both against the laws of the land, the liberty of the subject, and tends to the disturbance of the public peace of this kingdom; and any subjects, so arrested, may lawfully refuse to obey such arrests and commands."

The Parliament resolve to raise an Army, and to petition the King for an Accommodation.] Mr. Hollis brought up a message from the commons, with some votes; which, he said, had passed their house with much joy; and in which they doubted not of the lords concurrence with the same chearfulness. The Votes were these: Resolved, 1. "That an Army shall be forthwith raised for the safety of the king's person, the defence of both houses of parliament, and of those who have obeyed their orders and commands; and for the preservation of the true religion, the laws, liberties, and peace of the kingdom. 2. That the earl of Essex be named general thereof. 3. That a Petition shall be forthwith prepared, to move the king to a good accord with the parliament, and to prevent a Civil War. 4. That this house doth declare, That, in this cause, for the safety of the king's person and the defence of both houses of parliament, and of those who have obeyed their orders and commands, &c. they will live and die with the earl of Essex, whom they have nominated general in this cause."—Next, a draught of the Petition to the king, for peace, was read; in which the lords agreed with the commons, as also in all the foregoing Votes: and the earl of Holland, sir John Holland, and sir Philip Stapylton, were appointed to carry the Petition to the king at York.—Then the Speaker of the house of lords acquainted the earl of Essex, That that house had agreed in the desires of the commons, and had approved of his lordship to be general. Hereupon the earl gave their lordships thanks; professing his integrity and loyalty to the king to be as much as any; and that he would live and die with their lordships in this cause.

Further Proceedings in the Lord Mayor's Trial.] July 13. Both houses having been at some trouble to get any alderman of London to act for the lord mayor during his Imprisonment, several of them having absolutely refused it, as not consistent with their oath to the city: it was ordered, That the lord mayor be commanded to depute some person to be locum-tenens, for the government of the city of London, and calling of common councils. On the 14th sir John Conyers, lieutenant of the Tower, who was ordered to deliver the foregoing message, acquainted the lords, that the lord mayor said, He had no power to appoint a deputy for the goverment of the city, during his absence. Hereupon the lords ordered, That sir George Whitmore, knt. and alderman, in the absence of the lord mayor, do cause a court of aldermen to be summoned, to meet at Guildhall the next day; and they, so summoned, are strictly enjoined to appear accordingly; then to make choice of a locum-tenens, or to consider of what other way will be according to the custom and charters of the city, for the safety and good government thereof; and to give account of their proceedings therein to the said lords in parliament, on the 16th instant.

Both houses concurred in an Order to the messengers appointed to present their last Petition, for peace, to the king, to acquaint his majesty, That since the framing and preparing of that Petition, they have received from him a Message, concerning the delivering up of Hull; to which they conceive that Petition gives a full Answer, and therefore had resolved not to return any other: but Mr. Rushworth informs us, "That, lest the king should think it a dilatoriness in the parliament to return an Answer, the two houses sent him post to Beverley: to acquaint his majesty, that the earl of Holland, sir John Holland, and sir Philip Stapylton, were coming down with a Petition of both houses, in Answer to his majesty's said Message."

July 15. A commission for constituting the earl of Essex Captain-General, &c. was read. Upon putting the question, Whether the lords should agree to the Ordinance for this commission? The earl of Portland was the only peer then in the house that dissented.

Speeches against a Civil War.] But these Votes for a speedy Armament, &c. were not carried in the house of commons without much debate. Mr. Whitlocke has given us a Speech of his own against them. There is likewise another of sir Benj. Rudyard's, on the same occasion, yet preserved. And first

Mr. *Whitlocke* said, 'Mr. Speaker; The question which was last propounded, about raising Forces, naming a General and Officers, of an

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army, hath been very rare, before this time, in this assembly; and it seems to me to set us at the pit's brink, ready to plunge ourselves into an ocean of troubles and miseries; and, if that could be, into more than a Civil War brings with it. Give me leave, sir, to consider this unhappy subject, in the beginning, progress, and issue of it. Cæsar tells us, and he knew as much of Civil War as any man before him, that it cannot be begun sine malis artibus. Surely, sir, our enemies of the Popish church have left no evil arts unessayed to bring us to our present posture, and will yet leave none unattempted to make our breaches wider; well knowing that nothing will more advance their empire than our divisions. Our misery, whom they account heretics, is their joy, our distractions will be their glory, and all evil arts and ways to bring calamities upon us, they will esteem meritorious.—But, sir, I look upon another beginning of our Civil War. God blessed us with a long and flourishing peace, and we turned his grace into wantonness, and peace would not satisfy us without luxury, nor our plenty without debauchery; instead of sobriety and thankfulness for our mercies, we provoked the Giver of them by our sins and wickedness, to punish us, as we may fear, by a Civil War, to make us executioners of Divine vengeance upon ourselves. It is strange to note how we have insensibly slid into this beginning of a Civil War, by one unexpected accident after another, as waves of the sea, which hath brought us thus far, and we scarce know how; but, from paper combats, by Declarations, Remonstrances, Protestations, Votes, Messages, Answers, and Replies, we are now come to the question of raising Forces, and naming a General and Officers of an Army.—But what, sir, may be the progress hereof, the poet tells you:

Jusq; datum sceleri canimus, populumq; potentem
In sua victrici conversum viscera dextra:

'We must surrender up our laws, liberties, properties, and lives, into the hands of insolent mercenaries, whose rage and violence will command us and all we have. Reason, honour, and justice will leave our land; the ignoble will rule the noble; baseness will be preferred before virtue, and profaneness before piety. Of a potent people we shall make ourselves weak, and be the instruments of our own ruin; 'Perditio tua ex te' will be said to us: we shall burn our own houses, lay waste our own fields, pillage our own goods, open our own veins, and eat our own bowels. You will hear other sounds besides those of drums and trumpets; the clattering of armour, the roaring of guns, the groans of wounded and dying men, the shrieks of deflowered women, the cries of widows and orphans; and all on your account, which makes it the more to be lamented.—Pardon, sir, the warmth of my expression on this argument; it is to prevent a flame which I see kindled in the midst of us, that may consume us to ashes. The sum of the progress of Civil War, is the rage of fire and sword; and, which is worse, of brutish men.—What the issue of it will be, no man alive can tell: probably few of us now here may live to see the end of it. It hath been said, That he that draws his sword against his prince, must throw away the scabbard. Those differences are scarce to be reconciled. These commotions are like the deep seas, which being once stirred, are not soon appeased.—I wish the observation of the duke de Rohan, in his 'Interest of Christendom,' may prove a caution, not a prophecy; he saith of England, 'That it is a great creature, which cannot be destroyed but by its own hand:' and there is not a more likely hand than that of Civil War to do it. The issue of all war is like a cast at dice, none can tell upon what square the Alea Belli will light; the best issue that can be expected of a civil war, is, 'ubi victor flet, & victus perit.' Which of these will be our portion is uncertain, and the choice should be avoided.—Yet, sir, when I have said this, I am not for a tame resignation of our Religion, Lives, and Liberties into the hands of our adversaries, who seek to devour us; nor do I think it inconsistent with your great wisdom, to prepare for a just and necessary defence of them. It was truly observed by a noble gentleman, That, if our enemies find us provided to resist their attempts upon us, it will be the likeliest way to bring them to an accord with us: and, upon this ground, I am for the question. But I humbly move you to consider, Whether it be not yet too soon to come to it? We have tried by proposals of peace to his majesty, and they have been rejected: let us try yet again, and appoint a committee who may review our former Propositions. And where they find the matter of them (as our affairs now are) fit to be altered, that they present the alterations to the house, and their opinions; and that, as far as may stand with the security of us and our cause, we may yield our endeavours to prevent the miseries which look black upon us, and to settle a good accommodation; so that there may be no strife between us and those of the other party, 'for we are brethren.'

Sir *Benj. Rudyard*, on the same occasion,* spoke thus: 'Mr. Speaker; In the way we are, we have gone as far as words can carry us: we have voted our own rights and the king's duty. No doubt there is a relative duty between king and subjects, obedience from a subject to a king, protection from a king to his people. The present unhappy distance between his maj. and the parliament, makes the whole kingdom stand amazed, in a fearful expectation of dismal calamities to fall upon it. It deeply and conscionably concerns this house, to compose and settle these threatening ruin-

* From the original edition printed at London, July 17, 1642, for R. Thrale. This Speech was so agreeable to the king, that it was reprinted at York, by Stephen Bulkley, and published there the week following.

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ing distractions.—Mr. Speaker, I am touched, I am pierced, with an apprehension of the honour of the house, and success of this parliament. The best way to give a stop to these desperate imminent mischiefs, is to make a fair way for the king's return hither; it will likewise give best satisfaction to the people, and will be our best justification.—Mr. Speaker, that we may the better consider the condition we are now in, let us set ourselves 3 years back. If any man then could have credibly told us, that, within 3 years, the queen shall be gone out of England into the Low Countries, for any cause whatsoever; the king shall remove from his parliament, from London to York, declaring himself not to be safe here; that there shall be a total Rebellion in Ireland; such discords and distempers both in church and state here, as now we find! Certainly we should have trembled at the thought of it; wherefore it is fit we should be sensible now we are in it. On the other side; if any man then could have credibly told us, that, within 3 years, ye shall have a Parliament, it would have been good news; that Ship-Money shall be taken away by an act of parliament, the reasons and grounds of it so rooted out, as that neither it, nor any thing like it, can ever grow up again; that Monopolies, the High Commission-Court, the Star-Chamber, the Bishops Votes, shall be taken away; the Council-Table regulated and restrained; the Forests bounded and limited; that ye shall have a Triennial Parliament; nay more than that, a perpetual Parliament, which none shall have power to dissolve without yourselves, we should have thought this a dream of happiness! Yet, now we are in the real possession of it, we do not enjoy it, although his maj. hath promised and published he will make all this good to us. We stand chiefly upon further security; whereas the very having of these things is a convenient fair security, mutually securing one another. There is more security offered, even in this last Answer of the king's, by removing the personal votes of Popish Lords, by the better education of Papists children, and by supplying the defects of the laws against Recusants; besides what else may be enlarged and improved by a select committee of both houses named for that purpose. Wherefore, sir, let us beware we do not contend for such a hazardous unsafe security, as may endanger the loss of what we have already. Let us not think we have nothing, because we have not all we desire; and though we had, yet we cannot make a mathematical security; all human caution is susceptible of corruption and failing; God's Providence will not be bound, success must be his: he that observes the wind and rain, shall neither sow nor reap; if he do nothing till he can secure the weather, he will have but an ill harvest.—Mr. Speaker, it now behoves us to call up all the wisdom we have about us, for we are at the very brink of combustion and confusion: if blood begins once to touch blood, we shall presently fall into a certain misery, and must attend an uncertain success, God knows when, and God knows what. Every man here is bound, in conscience, to employ his utmost endeavours to prevent the effusion of blood: blood is a crying sin, it pollutes a land; let us save our liberties and our estates, but so as we may save our souls too. Now I have clearly delivered my own conscience, I leave every man freely to his.'

The Lord Mayor's Answer to his 2nd Impeachment.] This day the Lord Mayor was brought to the bar as a delinquent, the commons being present; where, kneeling till he was bid to rise, the Speaker asked him, if he had brought his Answer to the commons additional Impeachment against him; which he delivered in, and it was read in hæc verba:

The Humble ANSWER of Sir RICHARD GURNEY, Knt. and Bart. Lord Mayor of the City of London, to a Second Impeachment exhibited against him to the right hon. the Lords in Parliament, by the hon. the house of Commons.

"The defendant, saving to himself all benefit of exception to the said Impeachment, as to all and every the wicked and malicious advising, countenancing, persuasions, solicitations, and practices mentioned; and as to the illegal Imprisonment of John Carter, Wm. Gouch, and Rd. Arnold, or any other Apprentices within the city of London; as also to the charge of Breach of his Oath, and neglect of the duty of his place; and to all and every, or any other offences, practices, contempts, and misdemeanors, by the said Impeachment laid to this defendant, he saith, That he is not of them, or any of them, guilty in such manner and form as the same are in and by the said Impeachment charged."

The Earl of Holland's Account of his presenting the Parliament's Petition to the King, for Peace.] July 20. A Letter to the Speaker of the house of lords, from the earl of Holland, one of their Committee sent down into the North, to deliver their last Petition to the king, was read as follows:

"My lord; Our admittance to his maj. was very quick, for that very night we arrived here, after his supper, though he came home late from Lincoln, he commanded us to attend him; where we found him accompanied by many officers, but few lords; for most of them were absent, they say here, to put in execution the Commission of Array, in those shires whither the king's Commission had directed them. —After we had read your Petition, his majesty told us, 'It was a business of great importance, and required time to advise of his Answer; yet then he remarked, with some sharpness, on some parts of the Petition, which I shall give my lords an account of in person.— I believe we may be dispatched to-day, or, at furthest, to-morrow; for his maj. goes to Nottingham and Leicester, to call those counties together, and to assure them to him; as, he believes, he has already done those where his

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presence hath been. His forces appear not to be so great as they are; for it is said here, and I believe with some truth, that he may, when he pleases, call a very considerable number together, that are ready, upon the least command, to move towards him: but this is declined on two respects; the one, until he hath received a direct Answer concerning Hull; the other, to ease his charge for the present. There are several troops of horse that have been raised by noblemen and gentlemen, which are quartered in this county.—These generals are only proper to be delivered unto you at this present; when I attend you, which shall be with all the diligence I may, my lords shall have a very particular account of the knowledge and duty of Your, &c. HOLLAND. Beverley, July 18, 1642."

The Parliament's Petition to the King, for Peace.] The Parliament's Petition to the King for Peace, was as follows:

To the King's Most Excellent Majesty; The Humble PETITION of the LORDS and COMMONS assembled in Parliament.

"May it please your majesty; Although we, your majesty's most humble and faithful subjects, the lords and commons in parliament assembled, have been very unhappy in many former Petitions and Supplications to your majesty; wherein we have represented our most dutiful affections in advising and desiring those things which we held most necessary for the preservation of God's true religion, your majesty's safety and honour, and the peace of the kingdom; and, with much sorrow, do perceive, that your majesty, incensed by many false calumnies and slanders, doth continue to raise forces against us and your other loyal and peaceable subjects; to make great preparations for war, both in this kingdom and also from beyond the seas; by arms and violence, to over-rule the judgment and advice of your Great Council; and, by force, to determine the questions there depending, concerning the government and liberty of the kingdom; yet such is our earnest desire of discharging our duty to your maj. and the kingdom, to preserve the peace thereof, and to prevent the miseries of Civil War amongst your subjects, that (notwithstanding we hold ourselves bound to use all the means and power, which, by the laws and constitutions of this kingdom, we are trusted with, for the defence and protection thereof, and of the subjects, from force and violence) we do, in this our humble and loyal Petition, prostrate ourselves at your majesty's feet; beseeching your majesty that you will be pleased to forbear and remove all preparations and actions of war, particularly the Forces from about Hull, from Newcastle, Tinmouth, Lincoln, and Lincolnshire, and all other places; and that your maj. will recall the Commissions of Array, which are illegal; dismiss the troops and extraordinary Guards, by you raised; that you maj. will come nearer to your parliament, and hearken to their faithful advice and humble Petitions, which shall only tend to the defence and advancement of religion, your own royal honour and safety, the preservation of our laws and liberties: and we have been, and shall ever be, careful to prevent and punish all tumults and seditious actions, speeches, and writings, which may give your maj. just cause of distaste or apprehension of danger; from which public aims and resolutions no sinister or private respect shall ever make us to decline; that your maj. will leave delinquents to the due course of justice; and that nothing done or spoken in parliament, or by any person in pursuance of the command and direction of both houses be questioned any where but in parliament.—And we, for our parts, shall be ready to lay down all those preparations which we have been forced to make for our defence. And for the town of Hull, and the Ordinance concerning the Militia; as we have, in both these particulars, only sought the preservation of the peace of the kingdom, and the defence of the parliament from force and violence; so we shall most willingly leave the town of Hull in the state it was before sir J. Hotham drew any forces into it, delivering your maj.'s Magazine into the Tower of London, and supplying whatsoever hath been disposed of by us for the service of the kingdom. We shall be ready to settle the Militia by a Bill, in such a way as shall be honourable and safe for your majesty, most agreeable to the duty of parliament, and effectual for the good of the kingdom; that the strength thereof be not employed against itself, and that which ought to be for our security applied to our destruction: and that the parliament, and those who profess and desire still to preserve the Protestant religion, both in this realm and in Ireland, may not be left naked and indefensible to the mischievous designs and cruel attempts of those who are the professed and confederated enemies thereof, in your majesty's dominions and other neighbouring nations: to which if your majesty's courses and counsels shall, from henceforth, concur, we doubt not but we shall quickly make it appear to the world, by the most eminent effects of love and duty, that your majesty's personal safety, your royal honour and greatness, are much dearer to us than our own lives and fortunes; which we do most heartily dedicate, and shall most willingly employ for the support and maintenance thereof."

The King's Answer.] As soon as this Petition was read by the earl of Holland, the king told the Committee, "The reproaches cast upon him by it, were not answerable to the expressions his lordship had made; and that he was sorry that they thought the exposing him and his honour to so much scandal, was the way to procure or preserve the peace of the kingdom; that they should speedily receive his Answer; by which the world would easily discern who desired peace most." And, accordingly, the second day, his majesty delivered them, in public, his Answer to their Petition; which

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was likewise read, by one of his servants, in these words:

His MAJESTY'S ANSWER to the PETITION of the LORDS and COMMONS assembled in Parliament.

"Though his majesty had no great reason to believe, that the directions sent to the earl of Warwick to go to the river of Humber, with as many ships as he should think fit, for all possible assistance to sir J. Hotham, (whilst his maj. expected the giving up of the town unto him) and to carry away such arms from thence as his discretion thought fit to spare out of his majesty's own magazine: the chusing a general by both houses of parliament, for the defence of those who have obeyed their orders and commands, be they never so extravagant and illegal: their Declaration, 'That, in that cause, they would live and die with the earl of Essex their general,' all which were voted, the same day with this Petition: and the committing the lord mayor of London to prison for executing his majesty's writs and lawful commands, were but ill prologues to a Petition which might compose the miscrable Distractions of the kingdom: yet his majesty's passionate desire of the peace of the kingdom, together with the preface of the presenters, 'That they had brought a Petition full of duty and submission to his majesty, and which desired nothing of him but his consent to peace,' (which his maj. conceived to be the language of both houses too) begot a greedy hope and expectation in him, that this Petition would have been such an introduction to Peace, that it would at least have satisfied his Message of the 11th of this month, by delivering up of Hull to his majesty.—But, to his unspeakable grief, his maj. hath too much cause to believe, that the end of some persons by this Petition is not, in truth, to give any real satisfaction to his majesty; but, by the specious pretences of making offers to him, to mislead and seduce his people, and lay some imputation upon him of denying what is fit to be granted; otherwise it would not have thrown those unjust reproaches and scandals upon his majesty, for making a necessary and just defence for his own safety; and so peremptorily justified such actions against him, as, by no rule of law or justice, can admit the least colour of defence; and, after so many free and unlimited acts of grace passed by his majesty, without any condition, have proposed such things which, in justice, cannot be denied unto him, upon such conditions as, in honour, he cannot grant.—However, that all the world may see how willing his majesty would be to embrace any overture that might beget a right understanding between him and his two houses of parliament, (with whom he is sure he shall have no contention when the private practices and subtle insinuations of some few malignant persons shall be discovered, (which his maj. will take care shall be speedily done) he hath, with great care, weighed the particulars of this Petition, and returns this Answer:—That the Petitioners were never unhappy in their Petitions or Supplications to his majesty, while they desired any thing which was necessary or convenient for 'the preservation of God's true Religion, his majesty's safety and honour, and the peace of the kingdom;' and therefore, when those general envious foundations are laid, his majesty could wish some particular instances had been applied. Let envy and malice object one particular Proposition for the preservation of 'God's true Religion,' which his maj. hath refused to consent to; what himself hath often made for the ease of tender consciences, and for the advancement of the Protestant Religion, is notorious by many of his Messages and Declarations: what regard hath been to his honour and safety, when he hath been driven from some of his own houses, and kept out of his own towns by force: and what care there hath been of 'the peace of the kingdom,' when endeavour hath been used to put all his subjects in arms against him, is so evident, that his maj. is confident he cannot suffer by those general imputations: it is enough that the world knows what he hath granted, and what he hath denied.—For his majesty's raising Forces, and making Preparations for War, (whatsoever the petitioners, by the evil arts of the enemies to his majesty's person and government, and by the calumnies and slanders raised against his maj. by them, are induced to believe) all men may know what is done that way, is but in order to his own defence. Let the Petitioners remember that (which all the world knows) his maj. was driven from his palace of Whitehall, for safety of his life: that both houses of parliament, upon their own authority, raised a Guard to themselves (having gotten the command of all the Trained Bands of London to that purpose) without the least colour or shadow of danger: that they usurped a power, by their pretended Ordinance, (against all principles and elements of law) over the whole Militia of the kingdom, without and against his majesty's consent: that they took possession of his town, fort, and magazine of Hull, and committed the same to sir J. Hotham, who shut the gates against his majesty; and, by force of arms, denied entrance thither to his own person: that they justified this act, which they had not directed; and took sir J. Hotham into their protection for whatsoever he had done, or should do, against his majesty; and all this, whilst his maj. had no other attendance than his own menial servants.—Upon this the duty and affection of this county prompted his subjects, here, to provide a small Guard for his own person; which was no sooner done, but a Vote suddenly passed of 'his majesty's intention to levy war against his parliament; which, God knows, his heart abhorreth: and, notwithstanding all his majesty's Professions, Declarations, and Protestations to the contrary, seconded by the clear testimony of so great a number of peers upon the place, Propositions

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and Orders for levies of men, horse, and arms, were sent throughout the kingdom; Plate and Money brought in and received; Horse and Men raised towards an army, mustered and under command; and all this contrary to the law and to his majesty's Proclamation; and a Declaration published, 'That if he should use force for the recovery of Hull, or suppressing the pretended Ordinance for the Militia, it should be held levying war against the parliament; and all this done before his majesty granted any Commission for the levying or raising a man: his majesty's ships were taken from him, and committed to the custody of the earl of Warwick; who presumes, under that power to usurp to himself the sovereignty of the sea, to chase, fright, and imprison such of his majesty's good subjects as desire to obey his lawful commands; although he had notice of the legal revocation of the earl of Northumberland's commission of admiral, whereby all power derived from that commission ceased.—Let all the world now judge who began this war, and upon whose account the miseries which may follow must be cast: what his maj. could have done less than he hath done, and whether he were not compelled to make provision both for the defence of himself, and recovery of what is so violently and injuriously taken from him: and whether these injuries and indignities are not just grounds for his majesty's fears and apprehensions of farther mischief and danger to him. —Whence the Fears and Jealousies of the Petitioners have proceeded hath never been discovered: the Dangers they have brought upon his good subjects are too evident: what those are they have prevented, no man knows; and therefore his maj. cannot but look upon that charge, as the boldest and most scandalous that hath been yet laid upon him, 'That this necessary provision, made for his own safety and defence, is to over-rule the judgment and advice of his great council; and, by force, to determine the questions there depending concerning the government and liberty of the kingdom.' If no other force had been raised to determine those questions than by his maj. this unhappy misunderstanding had not been. And his maj. no longer desires the blessing and protection of Almighty God upon himself and his posterity, than he and they shall, solemnly, observe the due execution of the laws, in the defence of parliaments, and the just freedom thereof. For the Forces about Hull; his maj. will remove them when he hath obtained the end for which they were brought thither. When Hull shall be reduced again to his subjection, he will no longer have an army before it: and when he shall be assured that the same necessity and pretence of public good, which took Hull from him, may not put a garrison into Newcastle, to keep the same against him, he will remove his from thence, and from Tinmouth; till when, the example of Hull will not be out of his memory.—For the Commissions of Array, which are legal, and are so proved by a Declaration now in the press; his maj. wonders why they should, at this time, be thought grievous, and fit to be recalled: if the Fears of Invasion and Rebellion be so great, that, by an illegal pretended Ordinance, it is necessary to put his subjects into a posture of defence, to array, train, and muster them, he knows not why the same should not be done in a regular, known, and lawful way: but if, in the execution of that Commission, any thing shall be unlawfully imposed upon his subjects, his maj. will take all just and necessary care for their redress.—For his majesty's coming nearer to his Parliament; his majesty hath expressed himself so fully in his several Messages, Answers, and Declarations; and so particularly avowed a real fear of his safety, upon such instances as cannot be answered, that he hath reason to think himself somewhat neglected; that since, upon so manifest reasons, it is not safe for his maj. to come to them, both his houses of parliament will not come nearer to his majesty, or to such a place where the freedom and dignity of parliament might be preserved.—However, his majesty shall be very glad to hear of some such example in their punishing the tumults (which he knows not how to expect, when they have declared, 'That they knew not of any Tumults though the house of peers desired, both for the dignity and freedom of parliament, That the house of commons would join with them in a Declaration against Tumults, which they refused, that is, neglected to do) and other seditious actions, speeches, and writings, as may take that apprehension of danger from him; though, when he remembers the particular complaints himself hath made of businesses of that nature, and that instead of inquiring out the authors, neglect of examination hath been; when offer hath been made to both houses to produce the authors, as in that treasonable Paper concerning the Militia; and when he sees every day pamphlets published against his crown, and against monarchy itself, (as the Observations upon his late Messages, Declarations, and Expresses) and some Declarations of their own, which give too great encouragement in that argument to ill-affected persons; his majesty cannot, with confidence, entertain those hopes which would be most welcome to him.—For the leaving Delinquents to the due course of justice; his majesty is most assured he hath been no shelter to any such: if the tediousness and delay in prosecution, the vast charge in officers fees, the keeping men under a general accusation without trial a whole year and more, and so allowing them no way for their defence and vindication, have frghted men away from so chargeable and uncertain an attendance; the remedy is best provided where the disease grew. If the law be the measure of delinquency, none such are within his majesty's protection: but if, by delinquents, such are understood who are made so by Vote, without any trespass upon any known or established law: if, by Delinquents, the Nine Lords are understood, who are made delinquents for obeying

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his majesty's Summons to come to him, after their stay there was neither safe nor honourable, by reason of the tumults and other violences; and whose Impeachment, he is confident, is the greatest breach of privilege, that, before this parliament, was ever offered to the house of peers: if, by Delinquents, such are understood who refuse to submit to the pretended Ordinance of the Militia, to that of the Navy, or to any other which his majesty hath not consented to; such who, for the peace of the kingdom, in an humble manner, prepare Petitions to him, or to both houses, as his good subjects of London and Kent did; whilst seditious ones, as that of Essex, and other places, are allowed and cherished: if, by delinquents, such are understood, who are called so for publishing his Proclamations, as the lord mayor of London; or for reading his Messages and Declarations, as divers ministers about London and elsewhere; when those against him are dispersed with all care and industry, to poison and corrupt the loyalty and affection of his people; if, by delinquents, such are understood, who have or shall lend his majesty money, in the universities, or in any other places; his majesty declares to all the world, That he will protect such with his utmost power and strength; and directs, That, in these cases, they submit not to any messengers or warrants of parliament; it being no less his duty to protect those who are innocent, than to bring the guilty to condign punishment; of both which the law is to be judge.—And if both houses do think fit to make a general, and to raise an army for the defence of those who obey their orders and commands, his majesty must not sit still, and suffer such who submit to his just power, and are solicitous for the laws of the land, to perish and be undone, because they are called delinquents: and when they shall take upon them to dispense with the attendance of those who are called by his majesty's writ, whilst they send them to sea to rob his majesty of his ships; or into the several counties, to put his subjects in arms against him, his majesty (who only hath it) will not lose the power to dispense with them to attend his own person, or to execute such offices as are necessary for the preservation of himself and the kingdom; but must protect them though they are called delinquents.—For the Manner of the Proceeding against Delinquents; his maj. will proceed against those who have no privilege of parliament, or in such cases where no privilege is to be allowed, as he shall be advised by his learned counsel, and according to the known and unquestionable rules of the law; it being unreasonable that he should be compelled to proceed against those who violated the known and undoubted law, only before them who have directed such violation.—Having said thus much to the particulars of the Petition, though his majesty hath reason to complain, That, since the sending this Petition, they have beaten their drums for soldiers against him; armed their own general with a power destructive to the law and liberty of the subjects, and chosen a general of their horse: his majesty, out of his princely love, tenderness, and compassion of his people, and desire to preserve the peace of the kingdom, that the whole force and strength of it may be united for the defence of itself, and the relief of Ireland, (in whose behalf he conjures both his houses of parliament, as they will answer the contrary to Almighty God, to his majesty, to those that trust them, and to that bleeding miserable kingdom, that they suffer not any monies granted and collected by act of parliament, to be diverted or employed against his majesty, whilst his soldiers in that kingdom are ready to mutiny, or perish, for want of pay, and the barbarous rebels prevail by that encouragement) is graciously pleased, once more, to propose and require: 1. That his town of Hull be, immediately, delivered up to him; which being done (though his maj. hath been provoked by unheard of insolencies of sir John Hotham, since his burning and drowning the country, in seizing his wine and other provisions for his house; and scornfully using his servants, whom he sent to require them, saying, It came to him by Providence, and he will keep it; and so refusing to deliver it, with threats if he, or any other of his fellow-servants, should again repair to Hull about it; and in taking and detaining prisoners divers gentlemen, and others, in their passage over the Humber into Lincolnshire, about their necessary occasions; and such other indignities, as all gentlemen must resent in his majesty's behalf) his majesty, to shew his earnest desire of peace, for which he will dispense with his own honour; and how far he is from desire of revenge, will grant a free and general pardon to all persons within that town. 2. That his majesty's Magazine, taken from Hull, be forthwith put into such hands as he shall appoint. 3. That his Navy be forthwith delivered into such hands as he hath directed for the government thereof: The detaining thereof, after his majesty's directions published and received to the contrary, and employing his ships against him, in such manner as they are now used, being notorious high treason in the commanders of those ships. 4. That all Arms, Levies, and Provisions for a war, made by the consent of both houses, (by whose example his maj. hath been forced to make some preparations) be immediately laid down; and the pretended Ordinance for the Militia, and all power of imposing laws upon the subject, without his majesty's consent, be disavowed; without which the same pretence will remain to produce the same mischief: all which his maj. may as lawfully demand, as to live; and can with no more justice be denied him, than his life may be taken from him.—These being done, and the parliament adjourned to a safe and secure place, his maj. promises in the presence of God, and binds himself by all his confidence and assurance in the affection of his people, That he will instantly, and most chearfully, lay

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down all the force he shall have raised, and discharge all his future and intended levies, that there may be a general face of peace over the whole kingdom, and will repair to them; and desires that all differences may be freely debated in a parliamentary way, whereby the law may recover its due reverence, the subject his just liberty, and parliaments themselves their full vigour and estimation; and so the whole kingdom, a blessed peace, quiet, and prosperity.—If these Propositions shall be rejected his majesty doubts not of the protection and assistance of Almighty God, and the ready concurrence of his good subjects; who can have no hope left them of enjoying their own long, if their king may be oppressed and spoiled, and must be remediless. And though his towns, his ships, his arms, and his money be gotten and taken from him, he hath a good cause left, and the hearts of his people; which, with God's blessing, he doubts not, will recover all the rest.—Lastly, If the preservation of the Protestant Religion, the defence of the liberty and law of the kingdom, the dignity and freedom of parliament, and the recovery and relief of bleeding and miserable Ireland, be equally precious to the petitioners, as they are to his majesty, (who will have no quarrel but in defence of these) there will be a chearful and speedy consent to what his maj. hath now propounded and desired.—And of this his maj. expects a full and positive Answer by Wednesday the 27th day of July instant; till when he will not make any attempt of force upon Hull, hoping in the affection, duty, and loyalty of the petitioners; and, in the mean time, expects that no supply of men be put into Hull, or any of his majesty's goods taken from thence."

Sentence pronounced upon the Nine impeached Lords.] July 20. The lords being all set in their robes, and the house of commons, with their Speaker, come up, he said, "The knights, citizens and burgesses of the house of commons, having impeached Spencer e. of Northampton, Wm. e. of Devonshire, Henry e. of Dover, Henry e. of Monmouth, Charles lord Howard of Charlton, Robert lord Rich, Charles lord Grey of Ruthyn, Thomas lord Coventry, and Arthur lord Capel, for High-Crimes and Misdemeanors, to the interruption of the proceedings of parliament, and disturbance of the peace of the kingdom, the commons had commanded him to demand their lordships Judgment thereupon." Then the lord Kimbolton, Speaker of the house of lords for that day, pronounced Sentence against the said Nine Lords, as follows:* "1. That they shall not sit, or vote in the lords house during this present parliament. 2. That they shall not enjoy the privileges of parliament as members thereof. 3. That they shall stand committed to the Tower during the pleasure of this house."

A certificate from the aldermen of London, concerning the election of a locum-tenens, in the room of the Lord Mayor, was presented and read, importing, "That they had met together according to the direction, and on the day prefixed by the house; and that having called unto them the city counsel, and others experienced in the customs and charters of the said city, and, after diligent search of their records, they did humbly certify, That it did not appear that ever, at any time, the aldermen had made choice of a locum-tenens to execute the office of a Lord Mayor: but they found, That in the time of a Lord Mayor's sickness, he being within the franchise, there had been a locum-tenens appointed by himself, the sword still remaining with him; all which they humbly presented, &c." Signed by 15 aldermen.

The Parliament's Reply to the King's Answer to their Petition for Peace.] This day a Reply of both houses to his majesty's Answer to their Petition, sent by the earl of Holland, was agreed to, as follows;

"The lords and commons in parliament (having taken into their serious consideration his majesty's Answer to their humble Petition for peace, delivered by the earl of Holland, sir Philip Stapylton, and sir John Holland, and the demands which he is thereupon pleased to make concerning the present delivery of the town of Hull, the Magazine, the Navy, disavowing the Ordinance of the Militia, the laying down of all Arms raised by authority of the two houses of parliament, and adjourning themselves to some other place) do beseech his majesty to accept this their humble and just excuse, That they cannot for the present, with the discharge of the trust reposed in them for the safety of the king and kingdom, yield to those demands of his majesty.—The Reason why they took into their custody the town of Hull, the magazine and navy; passed the Ordinance of the Militia, and made preparation of arms; was for the security of religion, the safety of his majesty's person, of the kingdom and parliament, all which they did see in evident and imminent danger; from which when they shall be secured, and that the forces of the kingdom shall not be used to the destruction thereof; they shall then be ready to withdraw the garrison out of Hull, to deliver the magazine and navy, and settle the Militia by bill, in such a way as shall be honourable and safe for his majesty, most agreeable to the duty of parliament, and effectual for the good of the kingdom, as they have professed in their late petition.—As for adjourning the parliament; they apprehend no reason for his majesty to require it, nor security for themselves to consent to it. And, as for that reason which his majesty is pleased to express, they doubt not but the usual place will be as safe for his royal person as any other, considering the full assurance they have of the loyalty and fidelity of the city of London to his majesty; and the care which his parliament will ever have to prevent any danger, which his majesty may justly apprehend; besides the manifold con-

* Ever since the lord keeper Littleton left the house of lords, the Speaker's place was filled by some one of the peers present.

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veniences, to be had there, beyond any other parts of the kingdom.—As for the laying down of Arms: when the causes which moved them to provide for the defence of his majesty, the kingdom, and parliament, shall be taken away, they shall very willingly and chearfully forbear any further preparations, and lay down their forces already raised."

This Reply was sent to the king, then before Hull; but with no solemnity of messengers, or any other ceremony than being inclosed to one of the secretaries of state. It was also ordered to be printed; and likewise forthwith published in all churches and chapels, together with the said Petition and Answer.

Ordinance of Parliament for levying of Tonnage and Poundage.] August 1. The lords took next into consideration a new Ordinance of parliament, sent up by the commons, concerning the Subsidy of Tonnage and Poundage. This being read, it was resolved, That this house agrees with the commons therein, the lord Spencer only dissenting. Which Ordinance was as follows:

"The lords and commons now assembled in parliament, taking into consideration the great perils and dangers that may ensue, not only to this kingdom, but likewise unto that of Ireland, especially in these times of apparent danger, far exceeding all former times, either of his majesty or of his royal father king James; and taking into further consideration the great Debt now due unto the Navy, as well before the beginning of this parliament as since, amounting to the sum of 200,000*l.* and that 52 ships of war are now in the actual service of this kingdom, as well for the defence thereof as of Ireland; and not knowing what other supply of ships and of store will be further requisite in these times of danger; and well knowing that they cannot be maintained without great sums of money, nor the said great arrears satisfied by any monies already collected or owing by merchants for the time past:—And, foreseeing the danger and necessity of the supply, did, long before this time, prepare a new Book of Rates, which passed both houses, now ordered to be published; wherein they had as well an equal respect to the ease of the merchants, as to the raising of such sums of money as might be proportionable to those supplies; and did likewise prepare and pass a bill of Tonnage and Poundage, whereby the Book of Rates is confirmed; which bill they have likewise ordered to be printed and published; which, after it had passed both houses, was, upon the 29th of June last, sent to his maj. at York for the royal assent; which his majesty not having passed, the lords and commons did, upon the 14th of July last, command the earl of Holland, sir John Holland, and sir Philip Stapylton, (by whom they did send their late Petition to his majesty) in the name of both houses, to move his maj. to give a speedy passage to that bill, whereunto his maj. hath given no Answer at all. And whereas the former bill of Tonnage and Poundage did determine the 1st day of July last, since which time no monies intended to be raised by this last bill have been collected; now the said lords and commons, having taken the premises into due and serious consideration, for preventing the inevitable dangers that must necessarily ensue, without timely prevention in that behalf, have thought good to make this their Declaration to all his majesty's loving subjects. 1. Whereas by an act made this present parliament, intitled, 'An Act for the Relief of the Captives taken by the Turkish, Moorish, and other pirates, and to prevent the taking of others in time to come,' all merchants, as well denizens as aliens, for any goods exported or imported, from the 10th day of Nov. 1641, during the term of 3 years then next ensuing, are to make due entries of all such their goods in the port of London, and all other his majesty's ports within the realm of England and dominion of Wales, upon the penalties of the forfeiture of the said goods: now the said lords and commons do enjoin all merchants, as well denizens as aliens, to make due entry of all such goods and merchandize, as they shall, during the continuance of the said act, export and import. And, to the intent that the entries may be accordingly made, they do expect that the customers, comptrollers, searchers, and all other the officers of the said city of London and other the ports respectively, do carefully attend the several charges, and make due seizure as forfeited, of all such goods and merchandize, as shall not be entered according to the intent of that statute. 2. That although the said last bill for Tonnage and Poundage hath not yet had the royal assent, and therefore the subject, by the law, is not compellable to pay the duty therein limited to be paid; yet the premises and pressing necessities considered, the lords and commons do declare, that it shall be taken as an acceptable service to the commonwealth, and a manifestation of their good affections to the public, of all those that shall, upon the entry of their goods, advance and pay, by way of loan, unto the collectors or commissioners, which now are or hereafter shall be named, or to their deputy or deputies, all such sum or sums of money, as are payable by the last Book of Rates, and should have been due in case the said bill had passed into a law. 3. That every merchant so advancing money as aforesaid, shall have an allowance, by way of defalcation, of 15*l.* per cent. out of every 100*l.* he or they shall so advance and pay, over and above all other allowances made in the said bill or Book of Rates, or either of them; and so out of every greater or less sum after that rate. 4. Whereas the bill of Tonnage and Poundage, now remaining with his maj. cannot have the force of a law, without the further concurrence of the lords and commons, in respect the Speaker of the house of commons, by and with the consent of the said commons, is to carry the said bill into the lords house for the royal assent; as also in respect that, in his majesty's absence

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from parliament, his majesty hath no power to pass his royal assent unto a bill, but by his letters patent under the great seal, and signed with his hand, declared and notified to the lords and commons assembled together in the higher house, as by a statute 23 Henry 8. appeareth: now the lords and commons, for the further assurance of merchants advancing money as aforesaid, do promise and declare, That before they consent to the perfecting of the said bill of Tonnage and Poundage, now remaining with his maj. or any other bill of Tonnage and Poundage whatsoever, provision shall be made that the said allowance of 15*l.* per cent. shall be confirmed unto the said merchants accordingly; and that they, their heirs, executors, administrators, and assigns, shall be for ever acquitted and discharged of and from the payment thereof. 5. To the intent that no merchants do forbear to advance the said money by way of loan, according as is hereby desired, in hopes that the duties in the said bill shall not hereafter become payable from the 1st July 1642, the lords and commons do declare, That no bill of Tonnage and Poundage shall hereafter pass in parliament, but such as shall relate and be in force to compel all merchants to pay for all goods and merchandizes, exported and imported, from the said 1st of July 1642, on which day the former bill of Tonnage and Poundage expired; in which bill there shall be that clause of forfeiture of the value of all such goods as shall not be duly entered in the custom-house, from and after that day, in such manner as in the said bill is expressed. 6. As to merchants who shall not advance money by way of loan, as aforesaid, in regard of the present and pressing dangers and necessities, the lords and commons do declare, That at what time soever they shall consent to the passing of any bill of Tonnage and Poundage, all such persons, who shall not advance money as aforesaid, shall be charged to pay the duties of Tonnage and Poundage from the said 1st day of July 1642, during the term of the said bill, in such manner as by the said bill shall be provided. 7. That to the intent no officer belonging to any custom-house within this kingdom, or the dominion of Wales, or other persons appointed to be commissioners for receiving such money as shall be advanced by merchants as aforesaid, be discouraged, by reason of any penalties mentioned in any former act of Tonnage and Poundage passed this parliament, from receiving any duties upon merchandize, not being granted by parliament; although the lords and commons do conceive, and hereby declare, That the receiving of the said sums of money before-mentioned is not within the true intention of the said penalties, the same being advanced voluntarily, by way of loan; as also in respect those acts, and the true intent of them, were principally to restrain the crown from imposing upon the people without their consent: yet, for the further encouragement of such person, or persons, who shall receive any such sums, they do declare and promise, That before the said bill of Tonnage and Poundage, now remaining with his majesty, or any other, do pass for a law, there shall be a provision made, in such bill, for the indemnity and security of all such person and persons in that behalf. 8. That whereas, by a former Order of the commons house of parliament, the officers appointed for that purpose have orders to take bonds of all merchants for the payment of one per cent. to be raised by virtue of the aforesaid bill, for the relief of the captives taken by the Turkish or other pirates, or so much thereof as shall be agreed on by the lords and commons in parliament: it is now ordered, That all such merchants, as shall not advance money by way of loan as aforesaid, shall, at all times hereafter, upon entry of their goods, make payment of ready money for their said goods, according to the tenor of the said bill; and likewise all such other sums of money as, by virtue of the said bill, are due from the said merchants upon bill, or otherwise, for goods by them formerly entered since the 10th of Dec. 1641, by the true intent of which act the one per cent. to be paid and received, is to be taken and received according to such rates as were due and payable by the bill of Tonnage and Poundage, which did last determine. 9. The lords and commons do ordain, That the same collectors, or commissioners, who have formerly received the several duties upon merchandize, upon the several bills of Tonnage and Poundage passed this parliament, shall be, and are, deputed to be commissioners, who are enabled by this Ordinance to receive all such sum, or sums, of money, which shall, at any time hereafter, be voluntarily advanced by way of loan, in such manner as they have formerly received the former duties of Tonnage and Poundage; which said commissioners, their deputy or deputies, or any one of them, shall have full power and authority to give allowance, by way of defalcation, after the rate of 15*l.* per cent. out of all such monies as shall be advanced according to the true intent of this Ordinance: all which monies the said commissioners, their deputy or deputies, shall receive upon account; and shall, from time to time, issue out of the same, as they, the said commissioners, shall be authorized by Order of the lords and commons in parliament, or of such other person or persons, as they shall nominate and appoint to be employed for the uses herein before expressed.—10. For the more due execution of the premises, and that an account be justly kept of the commissioners due charge, the customers and comptrollers, as well of the city of London as the out-ports, are required, in every 28 days, to make a true copy of all such entries as have been made in the several ports respectively, and of the monies payable by the said entries; and are to certify the said accounts, monthly, unto Wm. Soames, esq. surveyor-general in the custom-house of London; who is likewise required to make up a perfect

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account upon all the several certificates, and to return the same unto the commons house of parliament, or to such committee as shall be thereunto authorized by them.—That for the better direction as well of the merchants, what is to be performed on their parts, as of the several officers of the custom-house in the several ports respectively: it is ordained by the lords and commons now assembled in parliament, That a true copy of the said bill of Tonnage and Poundage, which hath passed both houses, and is now remaining with his majesty, shall be printed, and both it and the said Book of Rates published, and sent as well to the officers of the custom-house in the city of London, as unto the officers of the out-ports respectively. Lastly, For the encouragement of merchant-strangers, trading to the port of Dover, to continue their intercourse of trade, and the importation of bullion and foreign coin: it is ordered by the lords and commons, That the several officers in that port respectively shall, and may, from time to time, give unto all merchant-strangers the like respect and allowance in their customs as they have formerly done."

The Parliament's Declaration for taking up Arms.] August 2. the lords read a Declaration, brought up from the commons, by Mr. Denzil Hollis, setting forth the Grounds and Reasons which necessitated the parliament, at this time, to take up defensive Arms for the preservation of his majesty's person, the maintenance of the true Religion, the Laws and Liberties of this kingdom, and the Power and Privilege of Parliament; which, was agreed to as follows:

"We the lords and commons in parliament assembled, having taken into serious consideration the present state and condition of imminent danger, in which the kingdom now stands, by reason of a Malignant Party prevailing with his majesty; putting him upon violent and perilous ways, and now in arms against us, to the hazarding of his majesty's person, and for the oppression of the true Religion, the Laws and Liberties of this kingdom, and the Power and Privilege of Parliament; all which every honest man is bound to defend, especially those who have taken the late Protestation, by which they are more particularly tied unto it, and the more answerable before God, should they neglect it: wherefore, we (finding ourselves engaged in a necessity to take up arms likewise, for the defence of these, which, otherwise, must suffer and perish; and having used all good ways and means to prevent extremities, and preserve the peace of the kingdom, which good endeavours of ours the malignity of our enemies hath rendered altogether successless and vain) do now think fit to give this Account unto the world, to be a satisfaction unto all men of the justice of our proceedings, and a warning unto those who are involved in the same danger with us, to let them see the necessity and duty which lies upon them to save themselves, their religion and country; for which purpose, we set out this Declaration:*

"That it appears by the Answer which his majesty hath given to the Humble Petition for Peace, presented unto him by both houses of parliament, and those demands which he makes, that the design which hath been so long carried on to alter the frame and constitution of this government, both in church and state, is now come to ripeness; and the contrivers of it conceive themselves arrived to that condition of strength, that they shall be able to put it in present execution.—For what else can be signified by the demanding of Hull, the Fleet, and the Magazine to be immediately delivered up: all our preparations of force to cease, and the defensive arms of the parliament to be laid down, and the parliament to be adjourned to another place, than that we should, out of the sense of our own inability to make resistance, yield ourselves to the cruel mercy of those who have possessed the king against us, and incited him to violate all our Privileges, and revile the persons and proceedings of the parliament? Or else, if (as it cannot be otherwise conceived) we do not grant what is so unreasonable and destructive, forthwith to bring on that force which is prepared against us, by the concurrence and assistance of Papists, an ambitious and discontented clergy, delinquents obnoxious to the justice of parliament, and some ill-affected persons of the nobility and gentry; who, out of their desire of a dissolute liberty, apprehend, and would keep off, the reformation intended by the parliament.—These persons have conspired to ruin this parliament, which alone hath set a stop to that violence so long intended, and often attempted, for the alteration of religion, and subversion of the laws and liberties of the kingdom.—How far we were plunged in a miserable expectation of most evil days, and how fast this growing mischief prevailed upon us before this parliament, needs not now be declared, it being so fresh and bleeding in every man's memory. Religion was made but form and out-

* In the Debate on this Declaration in the house of commons, exceptions were taken to some words, spoken by sir Symonds D'Ewes, as laying aspersions and imputations upon the committee that had brought it in, viz. 'That there were many things in this Declaration, that were taken out of other men's pockets and budgets, and before printed.' Whereupon he was commanded to withdraw, and it was resolved, That sir S. D'Ewes should ask the committee pardon for the imputation laid upon them by these words, and the offence thereby committed against the house; and that he should receive reprehension for it in his place. He was accordingly reprehended by Mr. Speaker, who admonished him to be more careful of his expressions hereafter; and not to lay imputations upon any particular members, much less upon any committee employed in the service of the house. Commons Journals.

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side; and those who made conscience to maintain the substance and purity of it, whether clergy or others, were discountenanced and oppressed, as the great enemies of the state. The laws were no defence nor protection of any man's right; all was subject to will and power, which imposed what payments they thought fit, to drain the subject's purse, and supply those necessities which their ill counsels had brought upon the king, or gratify such as were instruments in promoting those illegal and oppressive courses. They who yielded and complied were countenanced and advanced, all others disgraced and kept under; that so, men's minds made poor and base, and their liberties lost and gone, they might be ready to let go their religion whensoever it should be resolved to alter it; which was, and still is, the great design, and all else made use of but as instrumentary and subservient to it.—When they conceived the way to be sufficiently prepared, they at last resolved to put on their master-piece in Scotland, (where the same method had been followed) and more boldly to unmask themselves, in imposing upon them a Popish Service-Book; for well they knew the same fate attended both kingdoms, and religion could not be altered in the one, without the other. God raised the spirits of that nation to oppose it with so much zeal and indignation, that it kindled such a flame, as no expedient could be found but a parliament here to quench it.—This necessity brought on this parliament; and the same necessity gave it, in the beginning, power to act with more vigour and resolution than former parliaments had done, and to set upon a reformation of the great disorders both in the ecclesiastical and civil state; which drew a more particular envy and odium upon it, than was usual to the generality of parliaments; and was a cause, that those, who had swallowed up, in their thoughts, our religion and liberties, and now saw themselves defeated by this means, bent all their endeavours, and raised all their forces to destroy it.—First, Whilst the Scots Army remained here, they endeavoured to incense the two nations, and engage their armies one against the other; that, in such a confusion as must needs have followed, the parliament, might not be able to sit; and those forces destroying one another, might open some opportunity for them to gain their ends upon both kingdoms; and that then as their need, so the being of the parliament, might cease; the wisdom of the parliament prevented that mischief, and composed those great differences betwixt the king and the kingdom of Scotland. That Plot failing, they endeavoured to turn the English army against the parliament: this was discovered, the chief actors fled, and the danger avoided. Then they labour to stir up the Scots Army against us; but such was the faithfulness and affection of those our brethren, that they could not effect it.—After this they carry the king into Scotland, to try if a party could be there raised to suppress first the good party in that kingdom, and so compass their intended purpose here. At the same time the Rebellion in Ireland, an egg likewise of their hatching, breaks out, but their plot failed in Scotland; yet, upon hopes of success there, such preparatives were here, and such recourse of ill-affected persons to this town, that the parliament thought it necessary, for their own security, to have a Guard. The king, upon his return, instantly dismisses that guard, and puts another upon us; which produced such ill effects, as we were glad to dismiss them, and rather run any hazard than have such a guard. —Thus left naked, presently some members of both houses are unjustly charged with treason; and the king comes with a troop of cavaliers to the house of commons, to fetch those away by force, whom he had caused to be so unjustly accused; the greatest violation of the privileges of parliament that ever was attempted, and so manifest a destruction of the right of the subject, which is only preserved by parliament, that the city of London took a pious and generous resolution to guard the parliament themselves; which so grieved and enraged those wicked persons, who had engaged the king in that last, and all those other designs and practices against the parliament, that they make him forsake Whitehall, under pretence that his person was there in danger; a suggestion as false as the Father of Lies can invent.—Then do they work upon him and upon the queen; persuade her to retire out of the kingdom, and carry him further and further from the parliament; and so possess him with an hatred of it, that they cannot put words bitter enough into his mouth to express it upon all occasions: they make him cross, oppose, and inveigh against all the proceedings of parliament; encourage and protect all those who will affront it; take away all power and authority from it, to make it contemptible and of less esteem than the meanest court; draw away the members, commanding them to come to him to York; and, instead of discharging their duty in the service of the parliament, to contribute their advice and assistance to the destruction of it; endeavour to possess the people that the parliament will take away the law, and introduce an arbitrary government; a thing which every honest moral man abhors, much more the wisdom, justice, and piety of the two houses of parliament; and, in truth, such a charge, as no rational man can believe, it being impossible so many several persons, as the two houses of parliament consist of, about 600, and in either house all of equal power, should all of them, or at least the major part, agree in acts of will and of tyranny, which make up an arbitrary government; and most improbable, that the nobility and chief gentry of this kingdom should conspire to take away the law by which they enjoy their estates, are protected from any act of violence and power, and differenced from the meaner sort of people, with whom, otherwise, they would be but fellow-servants.—To make all this good upon the parliament, and either make the kingdom believe it, or so awe it that

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no body shall dare say the contrary, force is prepared, men are levied, and the Malignant Party of the kingdom, as was before specified, that is, Papists, the prelatical clergy, delinqueats, and that part of the nobility and gentry, which either fear reformation, or seek preferment by betraying their country to serve the court, have combined to bury the happiness of this kingdom in the ruin of this parliament; and, by forcing it to cut up the freedom of parliament by the roots, either take all parliaments away; or, which is worse, make them the instruments of slavery, to confirm it by law, and leave the disease incurable.—That done, then come they to crown their work, and put that in execution, which was first in their intention; that is, the changing of Religion into Popery and Superstition.—All this while the two houses of parliament have, with all duty and loyalty, still applied themselves unto his majesty; and laboured, by humble prayers, and clear and convincing reasons and arguments, in several Petitions, to satisfy him of their intentions, the justness of their proceedings, their desire of the safety of his royal person and of the peace of the kingdom.—And only to preserve that peace, and prevent the pernicious practices of these incendiaries, (such as the lord Digby, who at first persuaded the king to get into some strong place, that he might protect those whom he stiled the king's servants; but in truth such as do divide him from his parliament and kingdom, and might be revenged upon his parliament, where, he said, that traitors bare that sway; who, in the mean time, promised he would do him service abroad; which, by his own letters, appears to be the procuring of supplies against the kingdom and parliament, with which he himself said he would return; as since he hath done, disguised, with store of arms, in the ship called The Providence;* and who had attempted, upon the king's first going from Whitehall, to raise some numbers of horse and foot under the colour of a Guard for his maj. to be the foundation of an army against the parliament; which, then failing, hath since taken effect, and shews what was then in their thoughts, before Hull, or the Militia, or any thing else of that nature was in question) the parliament thought fit to secure Hull, lest it might be a receptacle of such ill-affected persons, and of what aid could be gotten from foreign parts; the fleet under the earl of Warwick to defend the kingdom, and prevent such mischief from abroad; the Magazine of Arms, that they should not be employed against us; and the Militia of the kingdom in such hands as the parliament might confide in, to suppress commotions within ourselves.—And how necessary all this was to be done, the succeeding designs and practices upon them do all sufficiently manifest; and great cause hath the whole kingdom to bless God, who put it into the heads and hearts of the parliament to take care of these particulars: for were these pernicious persons about the king masters of them, how easy would it be for them to master the parliament, and master the kingdom? And what could we expect but ruin and destruction from such masters, who make the king, in this manner, revile and detest us and our actions? Such, who have embarked him in so many designs to overthrow this parliament? Such, who have long thirsted to see Religion and Liberty confounded together? Let the world now judge what more could be done by us, than we have done, to appease his majesty, and regain his grace and favour, if (after the presenting of such a Petition as the last was, so full of submissive, humble, affectionate desires of peace, so full of duty and loyalty, as we thought malice itself could not have excepted against; and having received so sharp a return, such expressions of bitterness, a justification and avowed protection of delinquents from the hand of justice, demands of so apparent danger, such manifestations of an intention to destroy us, and with us the whole kingdom; and this most clearly evidenced by their subsequent actions, even since these Propositions have been made unto us from his majesty; over-running several counties, compelling the Trained Bands, by force, to come in and join with them, or disarming them, and putting their arms into the hands of lewd and desperate persons; thereby turning the arms of the kingdom against itself) it be not fit for us, not only not to yield to what is required, but also to make further provision for the preservation of ourselves, and of those who have sent us hither, and intrusted us with all they have, estates, liberty, and life, and that which is the life of their lives, their religion; and even for the safety of the king's person, now environed by those who carry him upon his own ruin, and the destruction of all his people, at least to give them warning that all this is in danger; that if the king may force this parliament, they may bid farewell to all parliaments from ever receiving good by them; and if parliaments be lost, they are lost, their laws are lost, as well those lately made, as in former times; all which will be cut in sunder with the same sword now drawn for the destruction of this parliament.—Then if they will not come to help the parliament, and save themselves, though both they and we must perish, yet have we discharged our consciences

* The lord Digby was taken on board this ship, in the character of a Frenchman; and under that disguise, pretending he could give informations of the most private circumstances of the king's designs, was introduced to sir John Hotham; to whom he afterwards discovered himself; and even proposed to him the surrendering up of Hull to his majesty, which the governor promised his utmost endeavours to effect: but the project, at this time, proved abortive. Lord Clarendon gives a very minute account of this extraordinary negotiation, vol. ii. p. 705. In the Commons Journals notice is taken of a Frenchman's being on board the ship Providence, who was ordered to be secured.

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and delivered our souls; and we will look for a reward in Heaven, should we be so ill requited upon earth, by those of whom we have so well deserved; which we cannot fear, having found, upon all occasions, such real demonstrations of their love and affection, and of their right understanding and apprehension of our and their common danger; especially now that the question is so clearly stated, and that it appeareth that neither Hull, nor the Militia, nor the Magazine, are the grounds of the war which is so furiously driven on against us by a Malignant Party of Papists, those who call themselves Cavaliers, and other ill-affected persons; but so far forth only as the parliament, and all the members of both houses, and all other persons who have shewed themselves forward for the defence of the sincerity of religion, the laws and liberties of the kingdom, and the just power and privileges of parliament, are preserved and secured thereby.—For the many Designs upon the Parliament above-mentioned, the attempts to be possessed of Hull and of the Magazine, by sending thither capt. Legge, (a delinquent to the parliament for having had a hand in the treasonable practise to bring up the army against us) and the earl of Newcastle in a disguised habit, which was in pursuance of the lord Digby's advice, and the endeavouring to raise forces under pretence of a Guard to the king's person in the winter: all this, before we meddled with Hull, or the Magazine, or Militia, shew plainly that our act in securing them was not the cause of the king's taking up arms, and exercising hostility upon his loving and loyal subjects, which was in the thoughts and endeavours of those about the king; who then had, and still have, the greatest influence upon his councils, before we thought of Hull, or the Militia, or any thing else of that nature; and then that our resigning of them, now, would not prevail with him to make him lay down his arms, and return to his parliament, and gratify the earnest and longing desires of his people, to enjoy his presence, favour, and protection: but that if he could recover, either by our resignation, or any other way, a place of so much advantage to him, and weakening to us, use would be made of it to our infinite prejudice and ruin; the intention being still the same, not to rest satisfied with having Hull, or taking away the Ordinance of the Militia; but to destroy the parliament, and be masters of our religion and liberties; to make us slaves, and alter the government of this kingdom, and reduce it to the condition of some other countries, which are not governed by parliaments, and so not by laws; but by the will of the prince, or rather of those who are about him.—Yet willingly would we give his majesty satisfaction in these particulars, (and so have we offered it) could we be secured that, by disarming ourselves, and delivering them up to his majesty, (as the sword of justice is already put into the hands of divers Popish and other ill-affected persons, by putting them into the commission of the peace, and other commissions; and putting out others that are well-affected) we should not, to our own destruction, put the military sword into the hands of those evil Counsellors and ill-affected persons, who are so prevalent with his majesty; Papists many of them, or very late converts, by taking the Oaths of Supremacy and Allegiance; for which they may very well have a dispensation, or indulgence, to be enabled thereby to promote so great a service for the Popish cause, as to destroy the two houses of Parliament, and, through their sides, the Protestant religion.—But we have too just cause to believe and know, considering those continued designs upon us, and the composition of the king's army and of his council at this time, that these things are desired to be made use of to our destruction, and the destruction of that which we are bound, by our Protestation, to defend; and woe to us if we do it not, at least do our utmost endeavours in it, for the discharge of our duties and the saving of our souls, and leave the success to God Almighty.—Therefore we, the lords and commons, are resolved to expose our lives and fortunes for the defence and maintenance of the true Religion, the king's person, honour, and estate, the power and privilege of parliament, and the just rights and liberties of the subject; and also for the prevention of that most mischievous design, which gives motion to all the rest, and hath been so strongly persued these many years, the altering of our religion; which if God in his mercy had not miraculously diverted, long ago had we been brought to the condition of poor Ireland, weltering in our own blood and confusion. And we do here require all those who have any sense of piety, honour, or compassion, to help a distressed state; especially such as have taken the Protestation, and are bound in the same duty with us unto their God, their king, and country, to come in to our aid and assistance: this being the true cause for which we raise an army, under the command of the earl of Essex; with whom, in this quarrel, we will live and die."

Portsmouth declares for the King.] Aug. 4. Both houses were still busy in giving out written Instructions for their deputy lieutenants in several counties; and in granting indemnities to cities, towns, and even to particular persons, who had any ways signalized themselves in their service. Some places, however, had the resolution to declare for the king; amongst which the important town of Portsmouth was one, whose governor, colonel Goring, had not only declared himself against the parliament; given an oath to the garrison there for that purpose, and those that would not take it he had thrust out of the town; but also, as the commons were informed, taken into the fort many Papists with provisions.—This intelligence was communicated to the lords this day, at a conference, by the commons; who likewise said, They had considered the best way to reduce this town was to se

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cure the Isle of Wight, whose governor, the earl of Portland, they suspected, because his wife, they said, was a recusant, her brother voted a Malignant, and his brother in the town of Portsmouth. That the commons looked upon this earl to be, legally, a person not fit for that command; because the custody of the Isle belonged to the earl of Pembroke, as lord lieut. of Hampshire. Lastly, They desired the earl of Portland might be put into safe custody, and he was committed to the keeping of one of the sheriffs of London for the present; but, in a day or two after, on suspicion that he was concerned in the surrender of Portsmouth to the king, he was sent to the Tower.

Aug. 5. The lords were informed by the commons, at a conference, That the marquis of Hertford, sir Ralph Hopton, capt. John Digby, and several other gentlemen, were come into the West of England, in order to put the king's Commission of Array in execution, by force: that the commons had expelled sir Ralph Hopton, and the rest of their members concerned in this affair, and had sent for them as delinquents; and left it to their lordships consideration what to do with theirs.—The lords ordered, That the marquis of Hertford, with the lords Pawlet and Seymour should be sent for as delinquents, for using force, to the terror of the people, in putting the Commission of Array in execution; and that the sheriffs do apprehend them; the lord lieutenants and deputy lieutenants to be aiding and assisting therein.

Aug. 8. Mr. Pym reported from the committee for the Defence of the Kingdom, 'That an Ordinance was made to pass both houses, for the lord lieutenants to raise forces in counties to oppose those traiterous persons that are against the parliament, and with them to fight;' which was read and agreed to.—This day another Ordinance was passed, for appointing sir Henry Vane, jun. to be treasurer of the navy: the earl of Essex was, also, appointed lord lieut. of the county of Hereford instead of the lord Dacres; and lord Say and Sele of Gloucestershire, in the room of lord Chandois who had joined the king, and since executed his majesty's Commission of Array in that county.

Sentence passed upon the Lord Mayor.] Aug. 10. The lords took into consideration the Evidence given against the lord mayor, upon the Impeachment of the commons. And, after mature deliberation of the whole matter, whether it be fit or safe that he be governor of the city at this time, they came to the following Resolutions. Resolved, 1. "That the lord mayor caused the illegal Proclamation, for the Commission of Array, to be published. 2. That the Petition, charged in the Impeachment to be sent to the king, was by the lord mayor's procurement. 3. That the lord mayor did not suppress the Riot, but did countenance it. 4. That the lord mayor did refuse to call a common council at the time both houses of parliament did command him to do it."—These matters of fact being resolved, the lords gave the following Sentence on him: 1. "That sir Richard Gurney, knt. and bart. lord mayor of the city of London, shall be deprived of that office. 2. That he shall, hereafter, be incapable of holding any office in the city. 3. That he shall be incapable to bear or receive any further honour hereafter. 4. That he shall be imprisoned in the Tower of London during the pleasure of this house."—This Sentence against the lord mayor was pronounced, with the usual ceremony, by the lord Kimbolton.

The King proclaims the earl of Essex, and his Adherents, Rebels.] August 11. A letter came from the king, directed to the Speaker of the house of lords, with a Proclamation inclosed, commanding that it should be read: which was done accordingly. The Proclamation had this title, 'For suppressing the present Rebellion, under the command of Robert earl of Essex; and the gracious offers of his majesty's free pardon to him and all such his adherents, as, within six days after date hereof, should lay down their arms. Dated at the Court at York, Aug. 9, 1642.' After this was read, the earl of Essex stood up and said, 'That he was made general by the desire, command, and authority of both houses of parliament, and not of his own seeking; and he protested, that his actions should shew him as dutiful a subject as any the king had.'—The lords took this matter to be of high concernment, as the threatening and proclaiming of both houses of parliament rebels; and resolved to have a conference with the commons. This conference was held the same day, and the report of it made in the house of commons, by sir Robert Harley, was to this effect:

"The lord Kimbolton said, That the lords desired this conference to acquaint the commons with a Letter and a Proclamation they had received from the king: that there needed no language to it: if there had, the lords would have chosen a better Speaker; but the words gave advantage sufficient, which he was to read unto them, and then give the sense of the lords upon it. After the Letter and Proclamation were read, his lordship proceeded and said, There needed no great expression to make them sensible of this Proclamation; they heard the earl of Essex was proclaimed a traitor, and all commanders under him, and all that adhered unto them; and, in those, the parliament and the honest party of the kingdom were proclaimed traitors: that these were big words of terror; but the lords had well considered the grounds before they entered into this action; which was for the maintenance of the law, religion, liberty of the subject, and privilege of parliament: upon which grounds they commanded him to let them know, that, with one consent, they resolved to go on with yet greater vigour than before.—The earl of Essex spoke next, at the conference, and said much the same as he had before to the lords,

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except adding, 'That he was as ready to adventure his life for defence of the law, as the other great general for the breach of it."

The Parliament resolve to support them with their Lives and Fortunes.] After hearing this report, the commons immediately voted, "That whereas the parliament had formerly chosen the earl of Essex to be captain-general of such forces as were or should be raised, for the maintenance and preservation of the true Protestant religion, the king's person, the laws of the land, the peace of the kingdom, the liberty and property of the subject, and the rights and privileges of parliament; this house doth now declare, That they will maintain and assist him, and adhere unto him, with their lives and fortunes, in the same cause."

Memorandum, When this Question was put, every man rose up in his place, one after another, and gave a distinct Answer to it. And it was resolved, That such members as were absent should also declare themselves, from time to time, at their coming into the house.

The Marquis of Hertford, &c. impeached.] Aug. 13. Sir Rob. Harley brought up to the lords an Impeachment of the commons against Wm. marquis of Hertford, Spencer earl of Northampton, and Henry Hastings, esq. second son to the earl of Huntingdon, for High Treason, in actually levying war against the king and kingdom; and desired that speedy proceedings might be had against them, according to law and justice. On this the lords directed a Proclamation, and Writs to be sent out to the sheriff, to summon the said lords to appear at the bar of the house on the 29th instant, to answer to this Impeachment, sub pœna convictionis.

The Parliament's Answer to the King's last Proclamation.] A Declaration and Resolution of parliament, in answer to the king's late Proclamation against the earl of Essex, &c. was this day read and agreed to by both houses; wherein they solemnly profess, "That they will really endeavour to make both his majesty and his posterity as great, rich, and potent; as much beloved at home and feared abroad as any prince that ever swayed the British sceptre, on condition that he will immediately disband all his forces; abandon and leave to condign punishment his wicked counsellors; (who have now advised and prevailed with his majesty, by this Proclamation, to invite his subjects to destroy his parliament and good people by a Civil War; and, by that means, to bring ruin, confusion, and perpetual slavery upon the surviving part of a then wretched kingdom) and return and hearken to the wholesome advice of his parliament."

The King's Message to the Commons, upon their taking 100,000*l. from the Supplies for Ireland.*] Aug. 16. The commons received the following Message from the King, dated from the court at York the 13th of this month:

"His majesty taking notice of an Order lately made by the house of commons, whereby that house hath unduly assumed to themselves authority to order, direct, and dispose of 100,000*l.* (part of those monies, which the adventurers for the reducing of the rebels of Ireland have paid to that end and only to that purpose) to other uses and intents, contrary to the express words of the act of parliament concerning the same; wherein it is enacted, 'That no part of the money which should be paid in, according to that act, shall be employed to any other purpose than the reducing of those rebels, until they shall be declared to be subdued;' out of his piety and princely care for the confirming and re-establishment of God's true religion in that his kingdom of Ireland, for the relief of his distressed subjects there, for the suppressing of that horrid and bloody Rebellion, and for the supply and payment of his army there, now in great want and necessity, doth strictly require the house of commons, as they will answer the contrary to Almighty God, his majesty, and those that have trusted them, That they immediately retract that mischievous, illegal, and unjust Order, wherein his majesty expecteth their speedy answer and obedience: and the rather that he may, thereby, be secured, that such part of the 400,000*l.* as is, or shall be, collected from his good subjects of England, by virtue of the late act of parliament, whereby the same is granted, may not likewise, under false pretences, be diverted from its proper use for which it was intended; and mis-employed, to the disturbance of the peace of this kingdom, in a war against his sacred majesty."

The Commons Answer to the King's Charge.] Soon after the following Answer of the house of commons to this Message was, by them, ordered to be printed and published:

"The house of commons having received a Message from his majesty of the 13th of Aug. last, whereby they are required to retract an Order made by them, for the borrowing of 100,000*l.* of the Adventurers Money for Ireland, supposing that Order very prejudicial to the affairs of Ireland, and contrary to an act of parliament made this present session; do, in the first place, declare, That these directions given by his majesty, for the retracting of this Order, is an high breach of the privilege of parliament: and that they cannot, without a deep sense of sorrow, call to mind how Popish and Prelatical counsels did so far prevail with his maj. that two armies were brought within the bowels of this kingdom, and two Protestant nations ready to welter in each others blood: that when both those armies had been a long time defrayed at the charge of the poor commons of England, and, at length, by God's blessing upon the endeavours of the parliament, quietly disbanded, the same wicked counsels, prevented of that design, did soon after raise this bloody and barbarous Rebellion in Ireland: the suppressing whereof, for the better colour, was recommended to the care of the parliament; who, out of a fellow-feeling of the unspeakable miseries of their Protestant bre-

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then there, (not suspecting this horrid Plot, now too apparent) did chearfully undertake that great work; and do really intend and endeavour to settle the Protestant religion, and a permanent peace in that realm; to the glory of God, the great honour and profit of his majesty, and security of his three kingdoms; but how they have been discouraged, retarded, and diverted in and from this pious and glorious work, by those traiterous counsels about his majesty, will appear by many particulars, some whereof they shall, upon this just occasion, call to remembrance.—That when the lords and commons had, upon the first breaking out of the Rebellion, immediately provided and sent over 20,000 *l.* and engaged themselves and the whole kingdom for the reducing of the rebels: yet his majesty, after his return from Scotland to London, was not pleased, either by word or message, to take notice of it, until after some in the house of commons had truly observed how forward those mischievous counsellors were to incite his maj. against his Protestant subjects of Scotland, and how slow to resent the proceeding of his Papist traitors in Ireland.—That although the rebels had most impudently stiled themselves 'The Queen's Army,' and professed that the cause of their rising was, to maintain the king's prerogative and the queen's religion, against the 'Puritan Parliament of England;' and that thereupon both houses of parliament did, humbly and earnestly, advise his maj. to wipe away this dangerous scandal, by proclaiming them rebels and traitors to his majesty and the crown of England; which then would have mated and weakened the conspirators in the beginning, and have encouraged both the parliament here, and good people there, the more vigorously to have opposed their proceedings: yet such was the power of those counsels, that no Proclamation was set forth to that purpose, until almost 3 months after the breaking out of this Rebellion; and then command given that but 40 should be printed, nor they published till further directions should be given by his majesty. —That after both houses of parliament had found out a probable way to reduce the kingdom of Ireland, by the adventure of private men, without any charge to the subject in general; and which, they are very confident, would have brought in a million of money, had his maj. continued in or near London; those malicious whisperers, that durst not hinder the passing of the bill, which was so specious in itself and so generally approved, yet have, by practice, by drawing his maj. from his parliament, by keeping him at his distance, and advising him to make war upon his people, so intimidated and discouraged the adventurers, and others that would have adventured, that they have rendered that good bill in a manner ineffectual.—That the parliament and adventurers had, long since, designed 5000 foot and 500 horse for the relief of Munster, to be sent as a brigade, under the command of the lord Wharton; had made choice of and listed all the commanders, and prepared money, arms, and other provision for that expedition, and all to be at the charge of the adventurers: and when nothing was wanting but a commission to the lord Wharton, to enable him for that service, such was the power of those counsels, that no commission could be obtained from his majesty; by reason whereof Limerick was wholly lost, and the province of Munster is now in very great distress.—That when divers pious and well-affected persons had prepared 12 ships and 6 pinnaces, with 1000, or more, land forces, at their own charge, by way of adventure, for the service of Ireland, and desired nothing but a commission from his maj. to enable them thereunto; that commission, after twice sending to York for the same, and the ships lying ready to set sail for 3 weeks together, at the charge of near 300 *l.* a day, was likewise denied; and those adventurers, rather than lose their expedition, were constrained to go by virtue of an Ordinance of both houses of parliament.—That although the lords justices of Ireland have 3 months since, earnestly desired to have two pieces of battery sent over, as very necessary for that service; yet such commands are given to the officers of the Tower, that none of his maj.'s ordnance must be sent to save his maj.'s kingdom.—That although, whilst the earl of Leicester staid here in the service of the parliament, and in providing for his long-expected voyage into Ireland, a Message was sent to the parliament from his majesty, to hasten him away; and letters were written to the said earl from his majesty, that he should make no stay at York for his dispatch, but that his Instructions should be ready for him against he came; and although it is notoriously known that the affairs of Ireland do exceedingly suffer by wanting the personal assistance of a commander in chief, to give both life and motion to the army there: yet the said earl hath been stayed with his majesty, in the North, a month and more, and, as yet, can get no dispatch.—That, notwithstanding the bleeding condition of Ireland, yet divers commanders and officers in pay, and in actual employment there against the rebels, have been called away from that important service, by the express command of his majesty; as Charles Lloyd, engineer and quartermaster-general of the army in Ireland, and divers others. That capt. Green, comptroller of the artillery, a man in pay, and principally employed and trusted here by the lord-lieut. of Ireland, for the providing and ordering the train of artillery which was to be sent to Dublin, and who had received great sums of money for that purpose, was commanded from that employment and trust, to serve his maj. in this most unnatural war against his loyal and best-affected people.—That the parliament having made great provision of cloaths for the poor soldiers in Ireland, for their present succour, and sending 600 suits, part thereof, towards Chester, the last week; the man that undertook the carriage of them, one

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Wm. Whitaker by name, was assaulted by his majesty's cavaliers, then lying about Coventry; who took away these 600 suits of cloaths, and the waggon and horses of the poor man, although they were told that the 600 suits of cloaths were for the soldiers in Ireland; and notwithstanding the poor carrier was, five times, with the earl of Northampton, to beg a release of his waggon.—That 300 suits of cloaths, with a chirurgeon's chest of medicaments, being likewise sent for Ireland by one Rd. Owfield, who was employed by the parliament to carry them to Chester; a troop of his majesty's cavaliers, under the command of one capt. Middleton, met with them upon the road, and took away the cloaths and chirurgeon's chest, together with the poor carrier's horses and waggon, for his majesty's pretended service here. That a great number of draught horses, prepared by the parliament for the artillery and baggage of the Irish army, were sent to Chester for that purpose; and being there, attending a passage, are now required by his maj. for his said present service in England. That his majesty's forces are so quartered in and about the common roads to Ireland, that neither money, cloaths, victuals, or other provision, can pass thither by land with any safety. That capt. Kettleby the admiral, and sir H. Straddling the vice-admiral, of the ships which were directed to lie upon the coast of Ireland, to annoy the rebels, and to prevent the bringing to them ammunition and relief from foreign parts, are both called away from that employment, by his majesty's command; and, by reason of their departure from the coast of Munster, to which they were designed, the rebels there have received powder, ammunition, and other relief from foreign parts; by which, and many other particulars too long to relate, it may seem as if those barbarous Irish Rebels are kept on foot and countenanced there, of design to assist the Northern Cavaliers; and, according to the earl of Strafford's unheard-of advice, to have an army in Ireland, with which his maj. may reduce this kingdom; especially considering those confident rebels have presumed, very lately, to send a Petition to his majesty, intitling themselves his majesty's Catholic Subjects of Ireland, and complaining of the 'Puritan Parliament of England;' and desiring, that since his maj. comes not thither according to their expectation, that they may come into England to his majesty; which Petition, we may justly fear, is but a prologue to that tragedy they have designed to act here, in case their coming over be not prevented by the care and vigilancy of the parliament and the good people of England. But lest the house of commons might excuse the making of this Order by way of recrimination, they, for satisfaction to the world, do protest before Almighty God, the Searcher of all Hearts, That they have as great compassion and sorrow for the present sufferings of their distressed brethren in Ireland, as if themselves were in their case; (into which they are confident those horrid traitors, those monsters of men about his majesty, do labour to bring this kingdom) that they have, and shall ever really endeavour, by all possible means, with a due regard to the present state of this kingdom, to supply and support them in this their great affliction, notwithstanding the malice and obstructions of all opposers.—That the house of commons, lively apprehending the imminent danger of this kingdom, and finding that whilst they were active here to subdue the Rebels of Ireland, there were Papists, traitors and delinquents, more active in the North, to conquer and destroy the parliament and good people of England, thought it necessary to provide for the safety of both, by preparing a competent army for the defence of king and kingdom; and although multitudes of well-affected persons had chearfully brought in great store of plate for that purpose, yet in regard the plate could not be coined with such expedition as the importance of the service did require; and well knowing that 100,000*l.* might, for a short time, be borrowed out of the Adventurers Money for Ireland, without any prejudice to the affairs of that kingdom, whose subsistence depends upon the welfare of this; and, resolving to make a real and speedy repayment of what money should be so borrowed, did make this Order; which, that it might appear to all the world to be neither mischievous, illegal, nor unjust, (as his majesty, by the instigation of those malignant whisperers, is pleased to term it) the house of commons thought fit to recite it in hæc verba; and, instead of retracting the Order, to repay the money with all possible speed:

'July 30, 1642. It is this day ordered by the commons house of parliament, That the treasurers, appointed to receive the monies come in upon the subscription for Ireland, do forthwith furnish, by way of loan, unto the committee of lords and commons, for the defence of the kingdom, the sum of 100,000*l.* for the Supply of the public necessity, for the defence of the king, parliament and kingdom, upon the public faith; to be repaid, duly and carefully, within so short a time that it shall not be diverted from the purpose for which it was intended, or any way frustrate the acts already made in the behalf of that adventure.'—By which Order, and that which hath been here truly set down, it will easily appear to all indifferent people of his majesty's three kingdoms, whether the king and his Cavaliers, or the king and his Parliament, do most affect and endeavour the settling of true religion, and a firm and constant peace within that bleeding and distressed kingdom."

Letter concerning the State of Affairs in Yorkshire.] August 18. The lord Kimbolton reported the effect of a conference, held yesterday with the commons, about Affairs in Yorkshire: when a letter was read, directed to sir Philip Stapylton, member of parliament for Boroughbridge, as follows:

" Sir; The State of Affairs in this county is

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of so high importance to the general good of the whole land, as we conceive them requisite to be represented to the houses of parliament; and to receive directions, from thence, as may guide the well-affected subjects in such ways as conduce to the establishment of peace here and elsewhere: and, to that end, the committee, when they returned to the parliament, promised frequent intercourses; and that those, who should be employed from hence upon such occasions, should find a good reception. The gentlemen of the county, having met here at York, this day and yesterday, did resolve it necessary to send the bearer hereof with a view of the present condition of this country, which they desire you to make known to the house as you shall find it necessary.—His majesty hath now withdrawn all his forces from Hull and Beverley, and sent most part of his horse towards Newark and Nottingham; intending to set up his standard at Nottingham on the 22d of this month: and, by Proclamation, commands all men's attendance on his person; as the Proclamation, which the bearer will deliver, doth more fully inform. His army, at this present, consists especially of horse, which are intended to be about 4000, in several regiments; in which number, we conceive, are not included the 400 horse, which certain of the gentry of Yorkshire promise to raise, nor the train of the court estimated at 500 horse: for foot-forces here are very few visible, and those of the scum of the country, being raised by beating drums for volunteers: yet it is said, that the proportion is 13,000 foot, though, in discourse, they declare as if 5000 foot will be sufficient for the design; but what it is, or against whom, we know not, otherwise than that it is expressed, in the Proclamation, for raising the Standard: for if it were in defence of the Protestant religion, the laws of the land, and the privileges of parliament, so often repeated, we conceive the Papists, who hate them all, would not so much rejoice, and shew themselves so forward to assist the service; nor make so frequent resort, as now they do, into these parts from Ireland, Lancashire, and all parts of Yorkshire: and, besides, we observe the king hath sent out Warrants to call to the service all Recusants horse and arms; and many Recusants, to make themselves capable of commands, do resort to church.—It is given out, that the king goes Southward on Tuesday next, tho' of that we can write no certainty: but, whensoever he goes away from hence, he leaves the earl of Cumberland to govern these Northern counties; with authority to raise forces for defence of them, and a council of war to assist; to terrify the subjects, and constrain obedience to his government. It is to be accompanied with a Commission of oyer and terminer, and this government and council are to reside at York.—You have already heard how the gentry of this county were summoned to appear before his majesty, at York, the 4th of this month; where his maj. made certain Propositions to them which you have since seen in print: whereupon the earl of Cumberland, lord Saville, lord Faconberg, all or most of the Commissioners of Array, and divers other gentlemen of the county, met in the Deanry at York; and there framed the Petition sent up by Mr. Jackson and Mr. Maude to the parliament: which, though it was carried then with much secrecy, yet is now divulged; and disliked by a great number of the gentry of this county, who will protest against it in writing so soon as they can meet with a conveniency: yet they which framed it resolve to maintain it, and hold meetings and consultations at the Deanry at York; where they treat of matters of dangerous and high consequence, and contrary to the laws of the land and the liberty of the subject; that is to say,—To join in Associations with other neighbouring counties, to maintain the Petition aforesaid, and to raise an army of horse and foot, for defence of the county under the command of the earl of Cumberland, to be laid about York, and to be paid by the country: To obtain of the king an able soldier to command in this army, under the earl, to whom they intend the country shall allow entertainment; to constrain all persons to contribute to the charge of this army, and to distrain upon such as refuse it. And, to disable the subjects to oppose or defend themselves against this oppression, they intend to disarm and imprison all such gentlemen as shall not consent with them; and they have especially designed to imprison a great number of gentlemen, who they suppose will give opposition to their Trained Bands, in every regiment; and intend to disarm more of them where they find danger of opposition: sir John Mallory, for his regiment, hath already caused both money to be furnished to his soldiers by the constables, and arms to be taken from the people.—These Propositions and Consultations, which are generally spoken of, do not a little perplex the well-affected subjects; and their fears increase by divers particular affronts, and attempts made upon the gentry of this county, by the troops and others of the king's army; as the pillaging of divers gentlemen's houses about Hull, and plundering sir Henry Cholmley's house, near Selby, on Sunday last; and Mr. George Marwood's house, near Knaresbrough, 12 miles from York, on Wednesday last. In this of Mr. Marwood's we will relate some particulars, for your better information: It was done in the day time, and by 24 horse or thereabouts; part stayed beyond the Nid running close by the house, part entered the house, and others kept watch that none should come to hinder their attempts: they threatened Mrs. Marwood and her servants with death, to discover where her husband was; and swore they would cut him in pieces before her face, and called her 'Protestant Whore,' and 'Puritan Whore;' they searched all the house, broke open 17 locks, and took away all the money, being about 120*l.* and all his plate they could find; and pretended they had the king's warrant for their so doing, which the king dis-

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avows; and his maj. is very much offended to have his name so abused, and threatens to have them all hanged if they be discovered: and though it be Mr. Marwood's lot to suffer first, yet the loose people threaten to pillage and destroy all the Round-Heads, and name some particular persons; under which foolish name, Round-Heads, they comprehend all such as do not go their ways.* These beginnings and preparations of misery are necessary to be made known to all the kingdom, that the good subjects may stand upon their guard; for though we may assure ourselves that the king will endeavour to preserve us, yet we find it is impossible to restrain the malice and rage of bloody Papists and faithless Atheists; and, in time, these mischiefs will approach other parts, though, for the present, we only lie in the mouth of danger.—Now towards the Redress of these growing evils, securing the peace of this county, and preservation of those peaceable subjects intended to be disarmed and left naked to the fury of every malicious adversary, we offer to your considerations the Propositions following, viz. That an Order be conceived in parliament, and declared, that all the kingdom may take notice of it, to this effect: That all well-affected and good subjects, that shall be plundered, pillaged, or suffer in their estates by any of the Cavaliers, or other forces raised without consent of parliament, shall have full reparation of their damages out of the estates of such persons of wealth and quality, whose fortunes, being in the South, do now reside in Yorkshire; and who with their presence and assistance, do countenance and further these distempers of the kingdom, and the mischiefs that do happen, and are like to increase. That there may be speedily sent to Hull, a sufficient proportion of powder, arms, ordnance, and other ammunition, with an order to furnish the country with them as there shall be occasion; especially such as shall be disarmed upon the consultations held in the deanery at York. That Commissions be speedily sent down from the earl of Essex, lord lieut. of this county, to the gentlemen named in this inclosed Paper, or such of them as the house shall elect for the present, to raise and command the forces of this county, for suppressing of any insurrection and unlawful tumults that may happen to arise. That the sheriff be commanded, by special order of parliament, to conduct and assist as the house conceives fitting. This List of gentlemen for commanding the country forces is not intended to disappoint any of trust or command, who are already nominated and intrusted by the parliament; nor are they intended to be continued longer than until some other provisions, by an act, be concluded on by the king and parliament for settling and ordering the Militia. And lastly, it is the desire of the well-affected in this county to receive weekly advertisements from thence by some specially employed for that purpose, until affairs be so settled as we may safely confide in the ordinary post; for now we neither rightly understand the proceedings of the house, nor can we represent to them such matters as concern the peace of this county. All which we hope you will be pleased to represent to the house, as the unanimous considerations of a great number of the gentry of this county. And we remain your affectionate, &c. York, August 13, 1642. P. S. The Grand Jury, this Assizes, consist for the most part of such as give us cause to suspect that there is some extraordinary business to be presented; but of this the sheriff excuseth himself, and saith the pannel, returned by him, was viewed and corrected by the Judge a fortnight before the assize."

The lord Kimbolton further reported, That the commons offered to their lordships consideration, a Proclamation from the king, requiring the aid and assistance of his majesty's subjects on the North side Trent, and within 20 miles Southward thereof, for the suppressing of the rebels now marching against him: and that thereupon the commons desired, 1. "That a committee of both houses may be appointed to draw up a Declaration, and therein to set down the unjust grounds of this Proclamation. 2. To consider the desperate Propositions of those that do meet at the dean of York's house. 3. To consider of the Propositions of the gentlemen of Yorkshire. 4. That the foregoing Letter may be printed and published."

The Parliament declare all such as assist the King, Traitors.] His lordship added, That the commons also desired their concurrence in an Ordinance, declaring all men Traitors that assist his majesty in this war; which was read as follows:

"Whereas the king, seduced by evil counsel, doth make war against his parliament and people, intending to make himself an absolute Conqueror of these kingdoms, if not timely prevented; and, for the promoting of this war, divers forces of horse and foot have been levied, and are raised, by several persons; and his majesty's good subjects are most cruelly robbed, spoiled, and slain: to the end that no man may be misled through ignorance, the lords and commons in parliament declare, That all such persons as shall, upon any pretence whatsoever, assist his maj. in this war with horse, arms, plate, or money, are traitors to his majesty, the parliament, and the kingdom; and shall be brought to condign punishment for so high an offence."—To all these proposals of the commons the lords gave their consent, nem. con.

Sir R. Gurney removed from his Office of Lord Mayor.] This day the lords were informed, That, according to their Order, sir Nich. Raynton, senior alderman of London,

* In the foregoing month is the first instance we meet with of the Royalists being distinguished by the name of Cavaliers; and this is the first of the Parliament's Party being called Round-Heads.

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had called a common-hall, and that the citizens had elected alderman Pennington their new lord mayor; and it was necessary and consistent with the antient customs of the city, that he be sworn and presented at Westminster, &c. That the city having sent to sir R. Gurney for the sword, cap, mace, and collar of SS's, he pretended that they were locked up at his house, and he could not come at them: but being asked, again, Whether he would deliver them if he had them? he denied to deliver the sword to any but the king from whom he received it. Upon this it was, first ordered, "That the thanks of the house should be given to sir Nich. Raynton and the rest of the aldermen, for their chearful, ready, and orderly obedience to the commands of this house: that they approved of alderman Pennington for lord mayor, as his good affections were well known to be for king, kingdom, and privileges of parliament: that he should have the usual oaths given him by the court of aldermen; and two barons of the Exchequer should attend the next day for the lord mayor to be presented and sworn." Lastly, it was ordered, "That the gentleman usher, attending that house, should go to the house of sir Rd. Gurney and demand the sword, &c. and, if he be denied, to break open any doors or locks whatsoever, and possess himself of them, and deliver them to alderman Pennington, now lord mayor elect of the city of London." The next day the gentlemen usher gave the lords this account, "That, according to their Order, he had taken out of sir Rd. Gurney's study four swords, belonging to the city, one cap of maintenance, one embroidered crimson cap, one collar of SS's, with a great jewel and a pendant pearl, and one great mace, belonging to the city; all which particulars he had delivered to the lord mayor elect and had his receipt for them."

Mr. Oliver Cromwell prevents the University of Cambridge from sending their Plate to the King.] August 19. This day, we find a copy of Instructions entered in the Lords Journals, directed to OLIVER CROMWELL, esq; Tho. Sherwood, mayor of Cambridge, for which town the former was representative in parliament; and 3 aldermen, appointed to take care of the peace and safety of the said town: authorizing them to train and exercise all the Trained Bands and volunteers in that town; and to lead and conduct them against all forces that attempt to seize upon the place, or to disturb the peace of it: and further, they were hereby authorized to fight with all such persons, and kill and slay them; and by all means, to preserve their town from all hostile attempts whatsoever, &c. Pursuant to these Instructions, the commons had, soon after, intelligence, That Mr. Cromwell had seized on the magazine in the castle of Cambridge; and had hindered the carrying off Plate, from that University, to the value, as some reported, of 20,000*l.* And the next day, an Ordinance was made for the indemnity of Oliver Cromwell, esq; and the persons concerned with him therein; and also further authorizing him and them to make stay of all such Plate, belonging to any of the colleges in the university of Cambridge, as shall be, hereafter, endeavoured to be carried to the king to maintain a war against the parliament.

A Declaration of Parliament, occasioned by the late Letter from Yorkshire.] August 20. A Declaration of Parliament was agreed to, on the basis of the last Letter from Yorkshire, and was as follows:

"We the lords and commons in parliament assembled, have perused and seriously considered a Letter sent from many of the principal knights, gentlemen, and other inhabitants of the county of York; directed to a worthy knight of that county, being a member of the house of commons; and intended for the information of both houses of parliament, concerning his majesty's purpose of 'raising his Standard at Nottingham,' the present state of the Northern parts, and the growing mischiefs and miseries like to overwhelm the whole kingdom, by the great oppressions exercised upon his majesty's subjects there; and other unlawful and dangerous counsels and proceedings of those, who, under pretence of his majesty's service, are laying the foundation of an arbitrary and tyrannical government, or rather confusion and desolation, not only in those parts, but in the whole kingdom: upon which and other informations and discoveries, we think fit to publish and declare some few Observations, whereby the good subjects of this kingdom may better discern their own danger; and be stirred up with more earnestness to assist us in the maintenance of religion and of the common justice and liberty of the kingdom, which seems to be in no less hazard than if we had an army of the Irish rebels in the bowels of the land. The first Observation is this; That now it plainly appears to the world, that there was good ground of those Fears and Jealousies, so often expressed by both houses, that his majesty intended to make war against his parliament; and that the Oaths, Protestations, and Execrations, published in his majesty's name, disclaiming any such purpose of war, were nothing but the devices of those wicked counsellors about him; that, under such disguises and pretensions of peace, they might more closely arm and prepare themselves for war, and by violence suppress the parliament; and so to make way for the accomplishment of their own designs, for the alteration of religion and the government of the kingdom.—The second; That this war is said to be for the defence of the Protestant religion; and yet the most diligent assistants and promoters of it are Papists, and that corrupt and superstitious part of the clegy that were running towards Popery; wherein the Papists are so frequent, that they not only send in horse and arms, but the better to qualify their persons for this present service, many heretofore constant Recusants, do now resort to church, and take the oaths of supremacy and allegiance. And with

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what affections they look upon the reformed religion, is evident in the speeches of those who robbed Mr. Marwood's house, calling his wife Protestant Whore and Puritan, she being a very virtuous gentlewoman, and of good quality; only the hatred of religion was it which provoked them to such ignominious language, which by those Popish Cavaliers is prosecuted under the name of Roundhead, as it hath been by the Prelatical Clergy under the name of Puritan.—A third; That arms were taken from the honest gentlemen, yeomen, and townsmen; and put into the hands of such desperate persons, as cannot live but by rapine and spoil.—A fourth; That notwithstanding all the Vows and Protestations to govern by law, which have been dispersed throughout the kingdom, to blind and deceive the people, the most mischievous principles of tyranny are practised that ever were invented; that is, to disarm the middle sort of people, who are the body of the kingdom, and to maintain soldiers by forced contributions; to erect a provincial government in the North, clearly against the common law, and the judgment given in this parliament for taking away the court at York: that the contrivers and instruments of these mischiefs, for their better strengthening in these designs, are about to join themselves in an association with other counties: and that directions are given, that such as shall oppose, or not join with them, shall be violently plundered and pillaged.—For the Prevention of these growing evils and mischiefs, the lords and commons do declare, That all well-affected and good subjects, who shall be plundered, pillaged, and suffer in their estates, by any of the Cavaliers, or other forces raised without consent of parliament, shall have such reparation of their damages, out of the estates of those who have been actors and counsellors in such violences; and likewise out of the estates of all such persons in any part of the kingdom whatsoever, who have withdrawn themselves to York, and shall persist to serve the king in this war against the parliament, by any subscription, or contribution, or otherwise have given assistance and countenance to the maintenance of it.—That it shall be lawful for any number of persons to join together, and to defend themselves and others from rapine and force: and the earl of Essex (lord-general of the forces raised by the lords and commons, for the defence of our religion and liberty, and for protection of the oppressed subjects of this kingdom, and lieut. of the county York) is desired to grant such commissions for levying, leading, and conducting of forces in the Northern parts, as shall be thought requisite by his excellency: and sir John Hotham, governor of Hull, is required to give all kind of assistance, by the garrison of the town, and by furnishing them with powder, arms, and other ammunition as he can spare. And for the better enabling of them in this their necessary defence, it is resolved, That further supplies of arms shall be sent thither as speedily as may be: that the sheriff of the county of York, and the sheriffs of the adjoining counties, and all lieutenants, deputy-lieutenants, mayors, justices of the peace, and other his majesty's officers and loving subjects, be aiding and assisting them, in defence of his majesty's subjects from all oppression and violence, with the power of the counties and Trained Bands.—That it shall be lawful for all lord-lieutenants, deputy-lieutenants, sheriffs, mayors, bailiffs, and head officers of corporations, to disarm all Popish Recusants; and all other his majesty's subjects are to be assisting unto them: and that it shall be lawful for any of his majesty's subjects to seize upon the persons of all such as shall execute the illegal Commission of Array or shall be actors and assistants in any of the aforementioned oppressions and violences; or shall furnish any horse, arms, money, or other aid or contribution, for the maintenance of this unnatural war, raised by his majesty against his parliament; and to seize upon their horses, arms, money, and other provisions, whereby they might be enabled to disturb the peace of the kingdom."

Coventry summoned by the King.] Aug. 22. The lords received intelligence, That the king lay then before Coventry, and was playing upon the town with his ordnance, on account of their denying his majesty entrance, and shutting their gates against him.

The Earl of Bath's Reasons for not attending the Parliament.] Aug. 23. A Letter from the earl of Bath to the Speaker of the house of lords, was read:

"My lord; I received last night a summons from your honourable house, requiring my attendance there on Monday next, Aug. 22, according to his majesty's writ. It is true I was summoned, at the beginning of this parliament, as of right I ought; and did not fail to give my attendance upon that service, with as much diligence and affection to the public as my poor ability could express; but I received many interruptions, by scorns, menaces, and affronts from the people inhabiting about London and Westminster, contrary to the constitution and privileges of that and all other councils; where the members ought to come, sit, and return, with honour and safety: and I do not see the minds of those people so settled and composed, that I may hope for better usage: wherefore I shall humbly desire their lordships to excuse my absence, until I may have some confidence of enjoying that honour and safety, which, heretofore I have not had. And so, with my service to your lordship, I remain, &c. BATH. Tavistock, Aug. 15. 1642."

Ordered, That the earl of Bath should be sent for as a Delinquent. And, upon further information that he had great store of powder in his house in Devonshire, it was ordered, That search should be made for such powder, or stores, and the same kept safe till the pleasure of the house should be further known.

The King sets up his Standard at Nottingham.] This day the lords received advice, That the city of Coventry having been en-

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couraged to hold out against the king, by the arrival of 300 men from Birmingham, and by receiving advice that Mr. Hampden, Mr. Denzil Hollis, and Mr. Goodwin (who had taken out colonels commissions under the earl of Essex) were marching to their relief, his majesty's forces drew off, and departed towards Nottingham, in order to set up his Standard there. Although this affair cannot properly be termed a Parliamentary Proceeding in itself, yet as it took its rise from thence, we apprehend it no unacceptable digression to give some account of the manner of the king's erecting his Standard. Mr. Rushworth tells us, "That the king came from Coventry on Monday the 22d of August, in the morning, with some lords and others in company, to Leicester, where he dined that day at the Abbey; and that presently after dinner his majesty again took horse, and, with his company, rode to Nottingham; where were great preparations for the setting up of the Standard that day, as was formerly appointed. Not long after the king's coming to town, the Standard was taken out of the castle, and carried into the field, a little on the backside of the castle wall. The likeness of the Standard was much of the fashion of the city streamers used at the lord mayor's show, having about 20 supporters, and was carried after the same way; on the top of it hung a flag, the king's arms quartered, with a hand pointing to the crown, which stood above with this motto, 'Give Cæsar his Due.' The names of those knights bannerets who were appointed to bear the Standard, viz. the chief of them, were sir Thos. Brooke, sir Arthur Hopton, sir Francis Wortley, and sir Robt. Doddington. Likewise there were 3 troops of horse to wait upon the Standard, and to bear the same backward and forward, with about 600 foot soldiers. It was conducted to the field in great state, the king, the prince, and prince Rupert (whom his maj. had lately made knight of the garter) going along with it, with divers other lords and gentlemen of his majesty's train, besides a great company of horse and foot, in all to the number of about 2000.—So soon as the Standard was set up, and his majesty and the other lords placed about it, a herald at arms made ready to publish a Proclamation, declaring the ground and cause of his majesty's setting up his Standard, namely, to suppress the Rebellion of the earl of Essex, in raising forces against him, to which he required the aid and assistance of all his loving subjects; but before the trumpeters could sound to make proclamation, his majesty called to view the said Proclamation, which being given him, he privately read the same over to himself; and, seeming to dislike some passages therein, called for pen and ink; and, with his own hand, crossed out, and altered the same in some places, and then gave it the herald; who proclaimed the same to the people, though with some difficulty after his maj.'s corrections: after the reading thereof, the whole multitude threw up their hats, and cried, 'God save the King,' with other such-like expressions.—Not long after the reading of the said Proclamation, it being towards night, the Standard was taken down, and again carried into the castle, with the like state as it was brought into the field; and the next day it was set up again, and his majesty came along with it, and made proclamation as the day before; and the like was also done on Wednesday, his majesty being also present; but after that it was set up with less ceremony."—Lord Clarendon's Account of this affair runs thus: "According to the Proclamation, upon the 25th of August, the Standard was erected, about six o'clock in the evening of a very stormy and tempestuous day. The king himself, with a small train, rode to the top of the castle-hill; Verney, the knight-marshal, who was Standard-Bearer, carrying the Standard, which was then erected in that place, with little other ceremony than the sound of drums and trumpets. Melancholy men observed many ill presages about that time. There was not one regiment of foot yet brought thither; so that the Trained Bands, which the sheriff had drawn together, were all the strength the king had for his person and the guard of the Standard. There appeared no conflux of men in obedience to the Proclamation; the arms and ammunition were not yet come from York, and a general sadness covered the whole town. The Standard was blown down the same night it had been set up, by a very strong and unruly wind, and could not be fixed again in a day or two, till the tempest was allayed. This was the melancholy state of the king's affairs when the Standard was set up."—Leaving the reader to reconcile these two accounts, we return to our more certain guides, the Journals of Parliament.

The E. of Southampton comes from the King, with a Message for Peace.] August 27. The earl of Southampton, being sent from the king at Nottingham, came into the house of lords, and took his place; but, being presently commanded to withdraw, went out of the house again. The lords were informed, that the said earl had a Message to deliver to the lords in parliament, from the king; yet, in regard of the manner of his coming into the house without giving any notice of it before, either in one kind or other, the lords did not think fit that the said earl of Southampton should be permitted to deliver the Message; but that he should send it in by the gentleman-usher of this house. Whereupon the usher was sent out to the earl with this Message in writing: "That the lords are not satisfied with the manner of your lordship's coming into the house at this time; they will not therefore receive any Message from your lordship; but, as it comes from his majesty, they are ready to receive it, with all humility; and wish your lordship to send it in unto them by the hands of their gentleman-usher." The earl's Answer: "That he desires to let their lordships know, that he was commanded by the king to deliver this message to the house; and he doth not

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know how his maj. will be pleased if he should should deliver it to Mr. Maxwell." The lords Reply: "That they conceived the delivery of the king's Message to their gentleman-usher, by their command, is a delivery of it to the house." To which the earl gave this Answer: "That he desired not to be pressed to it, for he durst not do it until he had acquainted the king therewith." On this last Answer the lords appointed a committee of four, to draw up a Resolution of the house, touching this business, which was to be sent to the earl by the said usher; which was to this effect:—"That the lords were ready to receive, with humility, the Message from the king, though not from his lordship's hands, because they were unsatisfied with his carriage; therefore they sent their gentleman-usher to bring it to them; which he twice refusing, they shall account him answerable for any ill consequence that may ensue thereby; and their lordships have not proceeded further against him at this time, in respect he was employed by the king to this house, but do command him forthwith to depart this town."

The King's Message for Peace.] Upon this the earl sent in the king's Message by Mr. Maxwell, which was read in these words:

"We have, with unspeakable grief of heart, long beheld the distractions of this our kingdom: our very soul is full of anguish until we may find some remedy to prevent the miseries which are ready to overwhelm this whole nation by a Civil War: and though all our endeavours, tending to the composing of those unhappy differences betwixt us and our two houses of parliament, (though pursued by us with all zeal and sincerity) have been hitherto without that success we hoped for; yet such is our constant and earnest care to preserve the public peace, that we shall not be discouraged from using any expedient, which, by the blessing of the God of Mercy, may lay a firm foundation of peace and happiness to all our good subjects.—To this end, observing that many mistakes have arisen by the Messages, Petitions, and Answers betwixt us and our two houses of parliament, which happily may be prevented by some other Way of Treaty, wherein the matters in difference may be more clearly understood, and more freely transacted; we have thought fit to propound to you, that some fit persons may be by you enabled to treat with the like number to be authorized by us, in such a manner, and with such freedom of debate, as may best tend to that happy conclusion which all good men desire, The Peace of the kingdom: wherein as we promise, in the word of a king, all safety and encouragement to such as shall be sent to us, if you shall chuse the place where we are for the Treaty, which we wholly leave to you; presuming of your like care of the safety of those we shall employ, if you shall name another place: so we assure you and all our good subjects, that, to the best of our understanding, nothing shall be therein wanting on our parts, which may advance the true Protestant religion, oppose popery and superstition, secure the law of the land (upon which is built as well our just prerogative, as the property and liberty of the subject) confirm all just power and privileges of parliament, and render us and our people truly happy, by a good understanding betwixt us and our houses of parliament.—Bring with you as firm resolutions to do your duty: and let all our good people join with us in our prayers to Almighty God for his blessing upon the work.—If this Proposition shall be rejected by you, we have done our duty so amply, that God will absolve us from the guilt of any of that blood which must be spilt; and what opinion soever other men may have of our power, we assure you nothing but our Christian and pious care to prevent the effusion of blood, hath begot this motion; our provision of men, arms, and money being such as may secure us from further violence, till it shall please God to open the eyes of our people."

When this was read, the lords received a Message from the commons, desiring a conference about the same Message to them from the king, sent by sir John Colepeper. There was not that difficulty in admitting this messenger into the house of commons, as in the case of the earl of Southampton with the lords; for the commons being informed by Mr. Speaker, that he had received a Letter from sir J. Colepeper, chancellor of the Exchequer, signifying, that he was coming with a Message from the king; which he could not deliver but as a member of that house; yet, in regard of an Order of the house, he durst not presume to come till he had their leave: a debate arose thereupon, and a motion being made, That the question for disabling him to sit as a member should be now put, it passed in the negative by 69 against 26; so he was admitted to deliver the Message. At the conference, held on this occasion, the commons delivered two Resolutions, to which they desired the lords concurrence: 1. Resolved, "That this house cannot give Answer to this Message from his majesty, until the Proclamations and Declarations be recalled, whereby the earl of Essex and both houses, with their adherents and assistants, and such as have obeyed and executed their commands, or directions, according to their duties, are declared traitors, or otherwise delinquents; and until the Standard, set up in pursuance of the said Proclamations, be taken down." Read, but not then agreed to. 2. "That the lords be desired to join with the commons in a direction to the lord-general, That he advance his forces with all possible speed, for the defence and safety of the kingdom; that this house doth not this out of any apprehension of backwardness in the lord general, but to give satisfaction that this Message doth not render them any way slack in their duties, for the preservation and safety of the kingdom." Read and agreed to.—The messengers from the commons being called in, the

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Speaker told them, "That the lords concurred with them in the latter Vote; and, as to the former, they should receive an Answer by messengers of their own."

The Parliament's Answer to the King's Message.] A committee being appointed for that purpose, the following Answer to the king's Message for Peace was drawn up, and agreed to by both houses:

"May it please your majesty; The lords and commons in parliament assembled, having received your majesty's Message of the 25th of August, do with much grief resent the dangerous and distracted state of this kingdom; which we have, by all means, endeavoured to prevent, both by our several Advices and Petitions to your majesty, which have been not only without success, but there hath followed that, which no ill counsel in former times hath produced, or any age hath seen; namely, those several Proclamations and Declarations against both houses of parliament; whereby their actions are declared Treasonable, and their persons Traitors: and thereupon your maj. hath set up your Standard against them, whereby you have put the two houses of parliament, and, in them, this whole kingdom, out of your protection; so that, until your maj. shall recall those Proclamations and Declarations, whereby the earl of Essex and both houses of parliament, and their adherents and assistants, and such as have obeyed and executed their commands and directions, according to their duties, are declared Traitors, or otherwise delinquents; and until the Standard, set up in pursuance of the said Proclamations, be taken down; your maj. hath put us into such a condition, that, whilst we so remain, we cannot, by the fundamental privileges of parliament, the public trust reposed in us, or with the general good and safety of this kingdom, give your majesty any other Answer to this Message."

Sept. 2. Informations came from several parts, as from Oxford, Worcester, &c. of the plunderings and wastings committed by the king's forces, called now Cavaliers in the Journals; and proper Orders were sent to their general to grant such commissions as he should think necessary for settling the peace in those counties, and the protection of the king's subjects.

An Order for suppressing of Stage Plays.] Sir Robert Harley, this day, brought up the following Order, made by the commons, to forbid Stage-Plays:

"Whereas the distressed estate of Ireland, steeped in her own blood; and the distracted estate of England, threatened with a cloud of blood by a Civil War, call for all possible means to appease and avert the wrath of God, appearing in these judgments: amongst which fasting and prayer hath been often tried to be very effectual, and have been lately and are still enjoined: and whereas public sports do not well agree with public calamities; nor public plays with the seasons of humiliation; this being an exercise of sad and pious solemnity, and the other being spectacles of pleasure; too commonly expressing lascivious mirth and lechery: it is, therefore, thought fit, and ordained by the lords and commons, &c. That while those sad courses and set times of humiliations do continue, public Stage-Plays shall cease and be forborne; instead of which are recommended to the people of this land, the profitable and seasonable consideration of repentance, reconciliation, and peace with God; which, probably, may produce outward peace and prosperity, and bring again times of joy and gladness to these nations."

Sept. 3. The earl of Carlisle was committed to the Tower, and witnesses ordered to be produced against him, to prove the activeness of the said earl, in endeavouring to put the Commission of Array in execution in Essex.

The King's second Message for Peace.] Sept. 5. The Speaker acquainted the lords, that the lord Spencer had a Message to deliver from the King; on which the lords sent out the gentleman-usher, as before, to receive it, who brought it in, and delivered it to be read, in hæc verba:

"We will not repeat what means we have used to prevent the dangerous and distracted estate of the kingdom; nor how those means have been interrupted; because, being desirous to avoid effusion of blood, we are willing to decline all memory of former bitterness, that might make our offer of a Treaty less readily accepted.—We never did declare, nor ever intended to declare, both our houses of parliament Traitors, or set up our Standard against them; and much less to put them and this kingdom out of our protection: we utterly profess against it before God and the world. And further, to remove all possible scruples, which may hinder the Treaty so much desired by us, we hereby promise (so that a day be appointed by you for the revoking of your Declarations against all persons as Traitors or otherwise, for assisting of us) we shall, with all chearfulness, upon the same day, recall our Proclamations and Declarations, and take down our Standard: in which Treaty we shall be ready to grant any thing that shall be really for the good of our subjects; conjuring you to consider the bleeding condition of Ireland, and the dangerous condition of England, in as high a degree as, by these our offers, we have declared ourself to do; and assuring you that our chief desire, in this world, is to beget a good understanding, and mutual confidence, betwixt us and our two houses of parliament."

Resolutions of both Houses thereupon.] The lords, taking this Message into consideration, appointed a committee to prepare an Answer to it; but, at the same time, resolved, That the lord-general shall proceed with his forces, according to former Resolutions.—A conference between the two houses was held on this Message; after which the commons sent up the following Votes for the lords concurrence. Resolved, 1. "That the king, in proclaiming

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the earl of Essex, and all his adherents, Traitors, hath declared both houses to be traitors, who have published their Resolutions to adhere to him, he having done nothing but by their authority and direction; and doth hereby put them and the whole kingdom out of his protection. To prove this, the Proclamations and the king's Instructions, given to the Commissioners of Array since the last Message, are sufficient evidence. 2. That the king not having removed those impediments mentioned in our former Answer, we do resolve to adhere thereunto: Which is, That so long as the Standard is up, and the Proclamation and Declaration unrevoked, we cannot make any other. Only we desire it may be considered, what a dishonour and scorn is cast upon us in that we, and the whole kingdom, are put into the same balance with traitors and delinquents: and as for that Proposition of the king's, 'That when we shall appoint a day to revoke our Declaration against all persons as Traitors or or otherwise, for assisting his majesty, he will, upon the same day, revoke his Proclamations and Declarations, and take down his Standard;' we cannot admit of it without the greatest danger and dishonour of the kingdom and parliament, by the consenting to the preservation and indemnity of those who have been so apparently active to the destruction of both. 3. That we are as desirous of a good understanding betwixt his maj. and his subjects, as sensible of the bleeding and distempered estate of England and Ireland; and as careful to settle a good peace in both, as any subjects of this kingdom have ever been: and we do, with much grief, remember that many things are done which give us just cause to believe that there are not the like intentions in his maj. and those who govern his affairs; in that the ships appointed for the guard of Ireland, have been recalled by his majesty's Warrant; the provision of cloaths, to be sent to the army there, have been taken away by his troopers, upon the road; and the horses, waggons, and other necessaries, provided for Chester, sent for by his command; also, his maj. keeping that kingdom without the chief governor; whereby the army at Dublin, maintained at the great charge of this kingdom, is made unprofitable, and the rebels grown so insolent as to exercise hostile acts, even to the very walls of that city. Besides many other impediments given to the Irish affairs, mentioned in an Answer of this house to a Message from his maj. of the 13th of August last."—Ordered, That this house agrees with the commons in all these Votes.

September 6. Another, and a yet stronger, Vote of the commons, was sent up to the lords, for their concurrence, which was also agreed to by them, to this effect:—"Whereas his majesty, in a Message received the 5th of Sept. requires that the parliament should revoke their Declarations against such persons as have assisted him in this unnatural war against this kingdom, it is this day ordered and declared by the lords and commons, That the arms which they have been, and shall be, forced to take up, for preservation of the parliament, religion, laws and liberties of the kingdom, shall not be laid down, until his maj. shall withdraw his protection from such persons as have been, or shall be, voted, by both houses, to be delinquents; and shall leave them to the justice of parliament, to be proceeded with according to their demerits; to the end that both this and succeeding generations may take warning, with what danger they incur the like heinous crimes: And also, to the end that those great charges and damages, wherewith all the commonwealth hath been burthened in the premises, since his majesty's departure from the parliament, may be borne by the delinquents, and other malignant and disaffected persons; and that all his majesty's good and well-affected subjects, who by loan of monies, or otherwise, at their charge, have assisted the common-wealth, or shall, in like manner, hereafter assist in time of extreme danger, may be repaid all sums of money by them lent for those purposes, and be satisfied all their charges so sustained, out of the estates of the said delinquents, and of the malignant and disaffected party in this kingdom.

The Parliament's Answer to the King's second Message.] On the basis of all these Votes and Resolutions, a committee of both houses had drawn up another Answer to the King; which was this day read and agreed to in these words:

To the King's Most Excellent Majesty; The HUMBLE ANSWER and PETITION of the Lords and Commons assembled in parliament, unto the King's last MESSAGE.

"May it please you majesty; If we, the lords and commons in parliament assembled, should repeat all the ways we have taken, the endeavours we have used, and the expressions we have made unto your majesty, to prevent those distractions and dangers your maj. speaks of, likely to fall upon this kingdom, we should too much enlarge this Reply. Therefore, as we humbly, so shall we only, let your maj. know, that we cannot recede from our former Answer, for the reasons therein expressed; for that your maj. hath not taken down your Standard, nor recalled your Proclamations and Declarations, whereby you have declared the actions of both houses of parliament to be 'Treasonable,' and their persons Traitors; and you have published the same, since your Message of 25th of August, by your late Instructions sent to your commissioners of Array: Which Standard being taken down, and the Declarations, Proclamations, and Instructions recalled, if your maj. shall then, upon this our humble Petition leave your forces, return unto your Parliament, and receive their faithful advice, your maj. will find such expressions of our fidelities and duties, as shall assure you, that your safety, honour, and greatness can only be found in the affections of your people, and the

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sincere counsels of your parliament; whose constant and undiscouraged endeavours and consultations have passed through difficulties unheard of, only to secure your kingdoms from the violent mischiefs and dangers now ready to fall upon them, and every part of them; who deserve better of your majesty, and can never allow themselves (representing your whole kingdom) to be balanced with those persons, whose desperate dispositions and counsels still so prevail to interrupt all our endeavours for the relieving of bleeding Ireland as we may fear our labours and vast expences will be fruitless to that distressed kingdom. As your presence is thus humbly desired by us, so is it in our hopes your maj. will, in your reason, believe there is no other way than this to make your majesty's self happy, and your kingdoms safe."

Sept. 8. The lords received a Letter from the earl of Bedford, general of the horse, dated from Sherborne, in Dorsetshire, Sept. 6th, desiring a reinforcement of 3 regiments of foot, and 3 troops of horse: also another from sir Wm. Waller, acquainting them with the reduction of Portsmouth town and fort, to the parliament's service.

Sept. 9. The earl of Essex acquainted the lords, That he intended to set out, in a few hours, for St. Alban's, to perform the commands of both houses; and therefore desired to take his leave of them together; hereupon a conference was immediately held for that purpose.

Sept. 10. The lord Montague of Boughton was sent to the Tower, for executing the Commission of Array in Northamptonshire; as was also the earl of Berkshire, for attempting the same in Oxfordshire, though his design was prevented from being put in execution by Mr. Hampden and Mr. Whitelocke. The lords being also informed, that Mr. Ashburnham was come with a Message from the king, and had been in town since yesterday: the usher of the black rod was sent to find him out, to take him into custody, and bring him before them.

The Parliament resolve to abolish Episcopacy.] A long Declaration of both houses to their Brethren in Scotland, was agreed to, containing many kind expressions, &c.* wishing an uniformity in church government might be established, for settling one Confession of Faith, one Liturgy or Directory of the public worship of God, and one Catechism, in all the three kingdoms. In which was inserted this Resolution of the English parliament. Resolved, nem. con. "That the government of the church of England, by Archbishops, bishops, their chancellors and commissaries, deans, and deans and chapters, archdeacons, and other ecclesiastical officers, hath been found, by long experience, a great impediment to the perfect reformation and growth of Religion, and very prejudicial to the state and government of this kingdom; and that the same should be taken away."

The King's Third Message for Peace.] Sept. 13. A Message from the King, directed to the Speaker of the house of lords, was brought in, and read, in hæc verba:

"Who have taken most ways, used most endeavours, and made most real expressions, to prevent the present distractions and dangers, let all the world judge, as well by former passages, as by our two last Messages; which have been so fruitless, that (though we have descended to desire and press it) not so much as a Treaty can be obtained, unless we would denude ourself of all force to defend us from a visible strength marching against us; and admit those persons as traitors to us, who, according to their duty, their oaths of allegiance, and the law, have appeared in defence of us their king and liege lord, whom we are bound, in conscience and honour, to preserve; though we disclaimed all our Proclamations and Declarations, and the erecting of our Standard as against our Parliament.—All we have now left in our power is, to express the deep sense we have of the public misery of this kingdom, in which is involved that of our distressed Protestants of Ireland, and to apply ourself to our necessary defence; wherein we wholly rely upon the providence of God, the justice of our cause, and the affection of our good people; so far we are from putting them out of our protection.—When you shall desire a Treaty of us, we shall, piously, remember whose blood is to be spilt in this quarrel, and chearfully embrace it; and as no other reason induced us to leave our city of London, but that with honour and safety we could not stay there; nor to raise any force, but for the necessary defence of our person and the law, against Levies in opposition to both; so we shall suddenly and most willingly return to the one, and disband the other, as soon as those causes shall be removed. The God of Heaven direct you, and, in mercy, divert those judgments which hang over this nation; and so deal with us and our posterity, as we desire the preservation and advancement of the true Protestant religion, the law and the liberty of the subject, the just rights of parliament, and the peace of the kingdom."

Ordered, That the consideration of this Message be referred to the committee for the safety of the kingdom; and that it be communicated to the commons.

Impeachment against the lord Strange for High Treason.] Sept. 14. Sir Robert Harley brought up an Impeachment of High Treason against James lord Strange, son and heir apparent of William earl of Derby, in these words:

"That the said James lord Strange, to the intent to subvert the fundamental laws and liberties and very being of parliaments, and to

* Ever since the beginning of this parliament, the Scots were stiled Brethren; and, in conformity with this appellation, the grant of 300,000*l.* for payment of their army, after the pacification, was called Brotherly-Assistance Money.

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set sedition between the king and his people, did, upon the 15th day of July, 1642, at Manchester, and at several other times and places, actually, maliciously, rebelliously, and traiterously, summon and call together great numbers of his majesty's subjects, and incite, persuade, and encourage them to take up arms and levy war against the king, parliament, and kingdom.—II. That the said James lord Strange, in further prosecution of his aforesaid wicked, traiterous, and malicious purposes, did, upon the said 15th day of July, at Manchester aforesaid, and at several other times and places, actually, maliciously, rebelliously, and traiterously, raise great forces of men and horse, and levied war against the king, parliament, and kingdom. III. In further prosecution of the aforesaid wicked, traiterous, and malicious purposes, the said James lord Strange, and divers other persons whom he had drawn into his party and faction, did, also, upon the said 15th day of July, at Manchester aforesaid, maliciously and traiterously, with force and arms, and in an hostile and warlike manner, kill, murder, and destroy, Rd. Percival, of Kirkmanshalme, in the said county of Lancaster, linen-webster; and did then and there, at divers other times and places, in the like hostile manner as aforesaid, shoot, stab, hurt, and wound divers others of his majesty's good subjects, contrary to the laws and peace of this kingdom of England, and contrary to his majesty's royal crown and dignity. IV. The said James lord Strange hath set sedition between the king and his people, and now is in open and actual rebellion against the king, parliament, and kingdom.—For which matters and things the knights, citizens, and burgesses of the house of commons do, in the name of themselves, and of all the commons of England, impeach the said James lord Strange, of High Treason.—And the said commons, by protestation, saving to themselves the liberty of exhibiting at any time hereafter, any other accusation, &c. do pray that the said James lord Strange may be put to answer all and every the premises, that such proceedings, examinations, trials, and judgment, may be upon them, and every one of them, had and used, as shall be agreeable to law and justice."

Ordered, That the Answer to be returned to the house of commons shall be, That this house hath received the Impeachment against the lord Strange; and that they will take the best course they can to have the lord Strange brought to answer the said impeachment.

The lords taking into consideration what course to take for sending to summon the lord Strange to appear, and answer his Impeachment of High Treason; and considering that, if messengers be sent they will be imprisoned, and if proclamation-writs be sent down they will not be sealed: therefore they thought fit to communicate this to the house of commons, to advise in this case how delinquents may be brought up to trial: A Message was accordingly sent, to desire a conference with the commons, concerning the Impeachment of the lord Strange.

Sept. 16. The commons sent up to desire the lords to write to the lord-general to advance the Army towards the place where the king was, as soon and as conveniently as so great a body can move, and as, in his wisdom, he shall think fit; and that a Petition and Instructions shall be sent after him: but the lords thought fit the lord-general should have the Petition and Instructions before he marched his army, and that the commons be desired to hasten them.

An Order was made, in the nature of a Proclamation, against the lord Strange, to be printed and published in all churches and chapels, and all market towns, &c. prohibiting all persons to join with or assist him with men, money, ammunition, &c.

The Parliament's Answer to the King's last Message.] An Answer to the King's last Message to the parliament was this day read and agreed to, and ordered to be presented to his majesty by sir Rd. May. It was as follows:

To the King's most Excellent Majesty; The Humble ANSWER of the Lords and Commons in Parliament assembled, to his Majesty's last MESSAGE of the 11th of September, 1642.

"May it please your majesty; We the lords and commons in parliament assembled, do present this our humble Answer to your majesty's Message of the 11th of this instant Sept. When we consider the oppressions, rapines, firing of houses, and murders (even at this time when your majesty propounded a Treaty) committed upon your good subjects by your soldiers, in the presence, and by the authority of their commanders, being of the number of those whom your maj. holds yourself bound in honour and conscience to protect, as persons doing their duties; we cannot think that your maj. hath done all that in you lies to prevent or remove the present distractions; nor so long as your maj. will admit no peace, without securing the authors and instruments of these mischiefs from the justice of the parliament; which yet shall be ever dispensed with all requisite moderation and distinction of offences, although some of those persons be such, in whose preservation your kingdom cannot be safe, nor the unquestionable rights and privileges of parliament be maintained, without which the power and dignity thereof will fall into contempt.—We beseech your majesty therefore to consider your expressions, 'That God shall deal with you and your posterity, as your maj. desires the preservation of the just rights of parliament;' which being undeniable in the thing, of such as we have declared to be delinquents, we shall believe your majesty, both towards yourself and parliament, will not, in this privilege we are most sensible of, deny us that which belongs unto the meanest court of justice in this kingdom. Neither hath your maj. cause to complain, That you are de-

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nied a Treaty, when we offer all that a Treaty can produce, or your maj. expect; security, honour, service, obedience, support, and all other effects of humble, loyal, and faithful subjection; and seek nothing but that our religion, liberty, peace of the kingdom, and safety of the parliament may be secured from the open violence and cunning practices of a wicked party, who have long plotted our ruin and destruction. And if there were any cause of Treaty, we know no competent persons to treat betwixt the king and parliament; and if both cause and persons were such as to invite a Treaty, the season is altogether unfit, whilst your majesty's Standard is up, your Proclamations and Declarations unrecalled, whereby your parliament is charged with treason. If your majesty shall persist to make yourself a shield and defence to those instruments, and shall continue to reject our faithful and necessary advice of securing and maintaining religion and liberty, with the peace of the kingdom and safety of the parliament; we doubt not but, to indifferent judgments, it will appear who is most tender of that innocent blood which is like to be spilt in this cause; your majesty, who, by such persisting, doth endanger yourself and your kingdoms; or we who are willing to hazard ourselves to preserve both.—We humbly beseech your majesty to consider how impossible it is that any protestations, though published in your majesty's name, of your tenderness of the miseries of your protestant subjects in Ireland, or your resolution to maintain the protestant religion and laws of this kingdom, can give satisfaction to reasonable and indifferent men; when, at the same time, divers of the Irish traitors and rebels, the known favourers of them, and agents for them, are admitted to your majesty's presence with grace and favour, and some of them employed in your service; when the cloaths, munition, horse, and other necessaries bought by your parliament, and sent for the supply of the army against the rebels there, are violently taken away; some by your majesty's command, others by your ministers, and applied to the maintenance of an unnatural war against the people here.—All this notwithstanding, as we never gave your majesty any just cause for withdrawing yourself from your great council; so it hath ever been, and shall ever be, far from us to give any impediment to your return; or to neglect any proper means of curing the distempers of the kingdom, and closing the dangerous breaches betwixt your majesty and your parliament, according to the great trust which lies upon us. And if your majesty shall now be pleased to come back to your parliament without your forces, we shall be ready to secure your royal person, crown and dignity, with our lives and fortunes; your presence in this great council being the only means of any Treaty betwixt your majesty and them with hope of success. And in none of our desires to your majesty shall we be swayed by any particular man's advantage, but shall give a clear testimony to your maj. and the whole world, that, in all things done by us, we faithfully intend the good of your maj. and of your kingdom; and that we will not be diverted from this end by any private or self-respects whatsoever."

Sept. 17. An Impeachment of High Treason was sent up by the commons and read, but not entered in the Journals, against the marquis of Hertford, lord Pawlet, lord Seymour, John Digby, esq. sir John Pawlet, sir John Stawel, sir Ralph Hopton, sir Cha. Berkley, sir Edw. Berkley, sir Henry Berkley, sir Edw. Rodney, sir Francis Doddington, Edm. Windham, Tho. Smith, and Edw. Kirton, esqrs.

The Parliament send a Petition to the King, to be presented by the earl of Essex.] Sept. 21. Sir Robert Harley, from the commons, brought up a draught of a Petition which had been framed by that house, and was to be presented to the king by their general, the earl of Essex. The Petition ran in these words:

"We your majesty's loyal subjects, the lords and commons in parliament, cannot, without great grief and tenderness of compassion, behold the pressing miseries, the imminent dangers, and the devouring calamities, which do extremely threaten, and have partly seized upon both your kingdoms of England and Ireland, by the practices of a party prevailing with your majesty; who, by many wicked plots and conspiracies, have attempted the alteration of the true religion, the antient government of this kingdom, and the introducing of Popish idolatry and superstition in the church, and tyranny and confusion in the state; and, for the compassing thereof, have long corrupted your majesty's counsels, abused your power, and, by sudden and untimely dissolving of former parliaments, have often hindered the reformation and prevention of those mischiefs. and being now disabled to avoid the endeavours of this parliament by any such means, have traiterously attempted to over-awe the same by force: and, in prosecution of their wicked designs, have excited, encouraged, and fostered an unnatural Rebellion in Ireland, by which, in a most cruel and most outrageous manner, many thousands of your majesty's subjects there have been destroyed; and, by false slanders upon your parliament, and malicious and unjust accusations, have endeavoured to begin the like massacre here. And being, through God's blessing, therein disappointed, have, as the most mischievous and bloody design of all, drawn your maj. to make war against your parliament and good subjects of this kingdom, leading, in your person, an army against them, as if you intended, by conquest, to establish an absolute and unlimited power over them; and, by your power, and the countenance of your presence, have ransacked, spoiled, imprisoned, and murdered divers of your people: and, for the better assistance in their wicked designs, do seek to bring over the rebels of Ireland, and other forces from beyond the seas, to join with them: and we finding ourselves utterly

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deprived of your majesty's protection, and the authors, counsellors, and abettors of these mischiefs in greatest power and favour with your majesty, and defended by you against the justice and authority of your high court of parliament (whereby they are grown to that height and insolence as to manifest their rage and malice against those of the nobility and others, who are any whit inclinable unto peace, not without great appearance of danger to your own royal person, if you shall not in all things concur with their wicked and traiterous courses) have, for the just and necessary defence of the Protestant religion, of your majesty's person, crown and dignity, of the laws and liberties of the kingdom, and the privileges and power of parliament, taken up arms; and appointed and authorized Robert earl of Essex to be captain-general of all the forces by us raised, and to lead and conduct the same against those rebels and traitors, and them to subdue and bring to condign punishment:—And we do most humbly beseech your maj. to withdraw your royal presence and countenance from these wicked persons; and, if they shall stand out in defence of their rebellious and unlawful attempts, that your maj. would leave them to be suppressed by that power which we have sent against them; and that your majesty will not mix your own dangers with theirs, but in peace and safety, without your forces, forthwith return to your parliament; and, by their faithful counsel and advice, compose the great distempers and confusions abounding in both your kingdoms, and provide for the security and honour of yourself and your royal posterity, and the prosperous estate of all your subjects: wherein, if your maj. please to yield to our most humble and earnest desires, we do, in the presence of Almighty God, profess, that we will receive your majesty with all honour, yield you all due obedience and subjection, and faithfully endeavour to secure your person and estate from all dangers; and, to the uttermost of our power, procure and establish to yourself, and to your people, all the blessings of a glorious and happy reign."

The Parliament's Instructions to their Captain-General.] The same day, and by the same messenger, the commons sent to the lords a form of the Instructions, by which their general was to act; both which were agreed to by them as follows:

INSTRUCTIONS of the Lords and Commons now in Parliament assembled, to be given to his Excellency Robert Earl of Essex, General of the Army.

1. "You shall carefully restrain all impieties, profaneness, disorders, violence, insolence, and plundering, in your soldiers, as well by strict and severe punishment of such offences, as by all other means, which you in your wisdom shall think fit. 2. Your lordship is to march with such forces as you think fit, towards the army raised, in his majesty's name, against the parliament and kingdom; and with them, or any part of them, to fight, at such time and place as you shall judge most to conduce to the peace and safety of the kingdom. And you shall use your utmost endeavours, by battle or otherwise, to rescue his majesty's person, and the persons of the prince and the duke of York, out of the hands of those desperate persons who are now about them. 3. You shall take an opportunity, in some safe and honourable way, to cause the Petition of both houses of parliament, herewith sent unto you, to be presented unto his majesty: and if his maj. shall thereupon please to withdraw himself from the forces now about him, and to resort to the parliament, you shall cause all those forces to disband, and shall serve and defend his maj. with a sufficient strength in his return. 4. You shall publish and declare, That if any, who have been so seduced by the false aspersions cast upon the proceedings of the parliament, as to assist the king in the acting of those dangerous counsels, shall willingly, within ten days after such publication in the army, return to their duty, not doing any hostile act within the time limited, and join themselves with the parliament, in defence of religion, his majesty's person, the liberties and laws of the kingdom, and privileges of parliament, with their persons and estates, as the members of both houses, and the rest of the kingdom have done; That the lords and commons will be ready, upon their submission, to receive such persons in such manner, as they shall have cause to acknowledge they have been used with clemency and favour; provided that this shall not extend to admit any man into either house of parliament, who stands suspended, without giving satisfaction to the house whereof he shall be a member: and except all persons who stand impeached or particularly voted, in either house of parliament, for any delinquency whatsoever: excepting likewise such adherents of those who stand impeached in parliament of treason, as have been eminent persons and chief actors in those treasons: and except the earls of Bristol, Cumberland, Newcastle, and Rivers, secretary Nicholas, Mr. Eon. Porter, Mr. Edw. Hide, the duke of Richmond, the earl of Caernarvon, the lord Newark, and the lord Falkland, one of the principal secretaries of state to his majesty. 5. You shall apprehend the persons of all those who stand impeached in parliament, or have been declared traitors by both or either house of parliament, or otherwise delinquents; and you shall send them up to the parliament to receive condign punishment, according to their offences. 6. You shall receive the loans or contributions of money, plate, or horses, from all his majesty's loving subjects, which they shall be willing to make for the support of the charge of the army, and better discharge of the service of the commonwealth; and you shall certify all such sums of money, and the value of such horses, that the parties may thereupon have the benefit of the public faith, for payment to be made unto them as to others of his majesty's

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subjects, upon the propositions for the subscriptions of money, plate, and horses. 7. You shall carefully protect all his majesty's subjects from rapine and violence by any of the Cavaliers, or other soldiers of his majesty's pretended army, or by any of the soldiers of the army which you command; and you shall cause the arms and goods of any person to be restored to them, from whom they have been unjustly taken. 8. You shall observe such further directions and instructions, as you shall, from time to time, receive from both houses of parliament."

A Committee of both Houses appointed to attend their Army.] Sept. 22. Mr. Pym came up from the commons, with a copy of some additional Instructions, or Directions, to the former, for constituting a standing Committee of assistant members from both houses, in the army; to which they also desired their lordships concurrence: this was also read and approved of, and a select number of lords appointed for that purpose. Their names were, the earl of Essex lord-general, the earls of Peterborough and Stamford, the lords Kimbolton, Wharton, St. John, Fielding, Hunsdon, Hastings, Brook, Roberts, and Willoughby of Parham. These 12, with 24 commoners, were to act as follows:

1. "The said Committee, or any 4 of them, whereof the said earl of Essex to be one, shall have power to meet together at such times and places as they shall think fit, and to consider and advise touching such matters that shall concern the army, as the said earl shall think convenient. And, from time to time, shall acquaint both houses of parliament with their Resolutions therein, that both houses may further proceed thereupon, as to them shall be thought convenient for the public. 2. They, or any 4 of them, whereof the earl of Essex to be one, shall have power, and are hereby authorized, to advise and use all convenient and reasonable means they can, to supply the army with money and other necessaries: and, for that end and purpose, are hereby authorized to take the subscriptions of all persons that shall give, lend, or advance any money, plate, or other provisions whatsoever, necessary for the army, and shall give a note unto all such persons that shall so lend or advance, expressing the nature and particular thereof; which note, subscribed with the hand of the said earl of Essex, and any three of the said committee, whereof two to be of the house of commons, shall be sufficient warrant for the party that shall so lend or advance, to receive the same again, with interest after the rate of 8*l.* per cent. out of such monies as shall be collected for the affairs of this kingdom, and both houses do engage the public faith for the same. 3. They, or any 4 of them, whereof the earl of Essex to be one, shall have power, and are hereby authorized, to sit with the said earl; and to examine all such persons as shall be sent for, apprehended, or brought before them, by virtue of any Warrant, sent and issued under the hand of the lord-general; and shall have power to continue them in safe custody, and send them up to parliament, or discharge them, as they shall think fit, and shall most tend to the public good."

The E. of Essex assembles all his Forces at Northampton; And the King his at Shrewsbury.] Sept. 23. A strict Order was made for all the regiments of horse and foot in the parliament's service, to repair forthwith to the rendezvous appointed for them. The earl of Essex had set out from London, in great state, says Rushworth, the 9th of this month, and went to his head quarters at St. Alban's: from thence he marched to Northampton; where soon after, his whole army met him, making altogether about 15,000 men. The king, after erecting his Standard at Nottingham, marched from thence to Derby, Stafford, and Leicester, and so into Wales. At Shrewsbury his majesty's army was increased to a considerable body; and great quantities of plate being brought in to him, he erected a new mint and had store of money. Before this his majesty had raised much treasure, by receiving large remittances from the queen, on her pawned jewels; by contributions from the lords and gentlemen with him at York; and by a loan from the University of Oxford. On the other hand the parliament were furnished with money, by loans upon the public faith; and, by the painful endeavours of several ministers, and other ways already described, a great quantity of money, plate, and ammunition, was brought in. Besides all this the parliament had also taken 100,000*l.* of the 400,000*l.* voted to be raised for the service of Ireland.

The King's Speech and Protestation at the Head of his Army.] In the king's progress through the counties abovementioned, he collected the gentry and people together at particular places, and made several speeches to them; most of which were printed by the king's authority at that time, and are in Husband's and Rushworth's Collections: but, as none of these appear in the Journals of either house, we omit them; except one which was read in that of the lords, on the 29th of this month as follows:

His MAJESTY'S SPEECH and PROTESTATION, made at the Head of his Army, between Stafford and Wellington, the 19th of September, 1642, after the reading of his ORDERS.

"Gentlemen; You have heard these Orders read; it is your part, in your several places, to observe them exactly: the time cannot be long before we come to action, therefore you have the more reason to be careful; and I must tell you, I shall be very severe in the punishing of those, of what condition soever, who transgress these Instructions. I cannot suspect your courage and resolution. Your conscience and your loyalty hath brought you hither to fight for your religion, your king, and the laws of the land. You shall meet with no enemies, but traitors, most of them Brownists, Anabap-

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tists, and Atheists; such who desire to destroy both Church and State, and who have already condemned you to ruin for being loyal to us. That you may see what use I mean to make of your valour, if it please God to bless it with success, I have thought fit to publish my resolution to you in a Protestation; which, when you have heard me make, you will believe you cannot fight in a better quarrel; in which I promise to live and die with you."

His MAJESTY'S PROTESTATION.

"I do promise in the presence of Almighty God, and as I hope for his blessing and protection, That I will, to the utmost of my power, defend and maintain the true Reformed Protestant Religion, established in the Church of England; and, by the grace of God, in the same will live and die. I desire to govern by the known laws of the land, and that the liberty and property of the subject may be, by them, preserved with the same care as my own just rights. And if it please God, by his blessing upon this army raised for my necessary defence, to preserve me from this rebellion, I do solemnly and faithfully promise, in the sight of God, to maintain the just privileges and freedom of parliament; to govern by the known laws of the land, to my utmost power; and particularly to observe inviolably the laws consented to by me this parliament. In the mean while, if this time of war, and the great necessity and straits I am now driven to, beget any violation of those; I hope it shall be imputed, by God and man, to the authors of this war, and not to me, who have so earnestly laboured for the preservation of the peace of this kingdom.—When I willingly fail in these particulars, I will expect no aid or relief from any man, or protection from Heaven: but in this resolution I hope for the chearful assistance of all good men, and am confident of God's blessing."

After the reading of this Speech and Protestation, it is entered, that "Because these may prove of much prejudice to the parties that are employed by the parliament in the army, the house resolved, That a conference be held with the commons, in order to appoint a committee of both houses, to consider of somewhat to be printed by their authority, along with the said Protestation, to vindicate the reputation of those persons concerned; and that somewhat may be expressed in it, That it is not the intent of parliament utterly to take away the Common Prayer-Book, as is rumoured abroad."

The Earl of Essex's Speech and Protestation, at the Head of the Parliament's Army.] About the same time was printed the following Speech and Protestation of the earl of Essex, at the Head of the Parliament's Army, before his arrival at Worcester, on the 24th of September:*

"Gentlemen and Fellow Soldiers; Ye are at this time assembled for the defence of his majesty, and the maintenance of the true Protestant religion, under my command; I shall therefore desire you to take notice what I, that am your general, shall, by my honour, promise to perform toward you, and what I shall be forced to expect that you should perform towards me. I do promise, in the sight of Almighty God, that I shall undertake nothing but what shall tend to the advancement of the true Protestant religion, the securing of his majesty's royal person, the maintenance of the just privilege of parliament, and the liberty and property of the subject; neither will I engage any of you into any danger, but (though for many reasons I might forbear) I will in my own person run an equal hazard with you; and either bring you off with honour, or (if God have so decreed) fall with you, and willingly become a sacrifice for the preservation of my country.—Likewise I do promise that my ear shall be open to hear the complaint of the poorest of my soldiers, though against the chiefest of my officers; neither shall his greatness, if justly taxed, gain any privilege, but I shall be ready to execute justice against all, from the greatest to the least. Your pay shall be constantly delivered to your commanders, and if default be made by any officer, give me timely notice, and you shall find speedy redress. This being performed on my part, I shall now declare what is your duty toward me, which I must likewise expect to be carefully performed by you. I shall desire all and every officer to endeavour, by love and affable carriage, to command his soldiers; since what is done for fear is done unwillingly, and what is unwillingly attempted can never prosper. Likewise it is my request that you be careful in the exercising of your men, and bring them to use their arms readily and expertly, and not to busy them in practising the ceremonious forms of military discipline; only let them be well instructed in the necessary rudiments of war, that they may know to fall on with discretion, and retreat with care; how to maintain their order, and make good their ground.—Also I do expect that all those, who have voluntarily engaged themselves in this service, should answer my expectation in the performance of these ensuing Articles: 1. "That you willingly and chearfully obey such as, by your own election, you have made commanders over you. 2. That you take special care to keep your arms at all times fit for service, that, upon all occasions you may be ready, when the signal shall be given by the sound of drum or trumpet, to repair to your colours; and so to march upon any service, where and when occasion shall require. 3. That you bear yourselves like soldiers, without doing any spoil to the inhabitants of the country: so doing you shall gain love and friendship, where otherwise you will be hated and complained of; and I, that should protect you, shall be forced to punish you according to the severity of law. 4. That

* From the edition of the times, published by Henry Fowler, Sept. 29, 1642.

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you accept and rest satisfied with such quarters as shall fall to your lot, or be appointed you by your quartermaster. 5. That you shall, if appointed for sentries or perdues, faithfully discharge that duty; for, upon fail hereof, you are sure to undergo a very severe censure. 6. You shall forbear to profane the Sabbath, either by being drunk, or by unlawful games; for whosoever shall be found faulty must not expect to pass unpunished. 7. Whosoever shall be known to neglect the feeding of his horse with necessary provender, to the end that his horse be disabled or unfit for service; the party, for the said default, shall suffer a month's imprisonment, and afterward be cashiered as unworthy the name of a soldier. 8. That no trooper, or other of our soldiers, shall suffer his paddee to feed his horse in the corn, or to steal men's hay; but shall pay every man for hay 6*d.* day and night, and for oats 2*s.* the bushel. And lastly, 9. That you avoid cruelty; for it is my desire rather to save the lives of thousands than to kill one, so that it may be done without prejudice.—These things faithfully performed, and the justice of our cause truly considered, let us advance with a religious courage, and willingly adventure our lives in the defence of the king and parliament."

Letters from the Earls of Essex and Dorset, relating to the Parliament's Petition to the King.] Oct. 3. The lords received a packet of Letters from the Lord-General, in which was a copy of one his lordship had sent to the earl of Dorset in these words:

"My lord; I am commanded by the parliament to present their humble desires in a Petition to his majesty, which I desire your lordship would acquaint him with; that I may know his majesty's pleasure in what manner he will have it presented to him, and that there may be a safe convoy for such persons as I shall send to his majesty with it: I held it fit to put this trouble upon your lordship, knowing your nearness to the king, and believing your willingness to do a courtesy to Your, &c. ESSEX."

The Earl of Dorset's Answer was as follows:

"My lord; The king's late arrival here last night is the cause I could no sooner return this gentleman. According to your lordship's desire, I have acquainted his majesty with the Petition you are ordered to present to him from the parliament. He hath commanded me to let your lordship know, That the Petitions of the houses shall never find his ear shut against them; and that those whom you shall appoint to bring it (so they be none of those he hath, by name, accused of treason) shall come and go very safely; so as they come hither to-day, and send a trumpet before to acquaint the king with their entrance.* I rest, &c. DORSET. Shrewsbury, Sept. 28, 1642."

Next the Lord-General's Letter to the Committee of Safety was read, in hæc verba:

"My lords and gentlemen; Having received from both houses of parliament a Petition to his majesty, I did send a letter to the earl of Dorset, by Mr. Fleetwood, unto which I received Answer last night: and because the Answer concerns much the parliament, I held it fit to send you copies of both, and I desire they may be presented to both houses. Your lordships will quickly see the difficulties arising from this Answer; not only in the ambiguity of the phrase, 'He hath, by name, accused of treason,' which both houses are themselves declared already, by his majesty's Proclamations, and Declarations, set forth before my coming from parliament; but also the uncertainty of what other Proclamations have been since made, and who therein have been personally named; and chiefly in this, That admitting this doubtful phrase to be intended strictly, I cannot send such who have been already accused by name, without exposing them to the uttermost hazard; and to send others, who are not personally named, might, upon this restriction, allow that exception; and thereby deeply wound the parliament, who never admitted any such restriction. This causeth me to suspend the sending of the Petition, and to make this address to the Committee. I am, &c. ESSEX. Worcester, Sept. 29, 1642."

A conference being held on the contents of these Letters, both houses came to the following Resolutions: 1. "That it doth not stand with the honour and privilege of parliament, that the Petition be delivered to the king under the restrictions mentioned in the earl of Dorset's letter. 2. That the lord-general shall signify unto his majesty, by such means as he shall think fit, the Resolutions of both houses, concerning the delivery of this Petition." But this second Resolution was altered by the lords, viz. "That the lord-general, by himself, or such hands as he shall think fit, shall, with all convenient speed, deliver the Petition unto his majesty. 3. That the lord-general shall be desired to proceed, according to his former instructions, in such manner as, in his own judgment, he shall think fittest and most advantageous to the service."

Advice of the King's coming to London with his Army.] Both houses seem now extremely busy, for several days, in issuing out Orders for payments of Money, on different affairs, but all towards carrying on the war; with others matters of less concernment, such as sending for delinquents, and imprisoning them: but no public or private bills, or even a private cause, are so much as mentioned in either Journal; provision for their own safety being now their principal business. On the 12th of this month, the lords at a conference, were in-

* Lord Clarendon informs us, That the earl of Essex's Letter was sent by Mr. Fleetwood, only a trooper in his guards, without a trumpet, or any ceremony. This Mr. Fleetwood afterwards raised himself to the rank of a general, and was one of Cromwell's upper house.

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formed that the committee of safety had, the night before, received letters of the king's intentions to leave Shrewsbury, and march with his army directly towards London. On this intelligence the commons desired, lest the people should be frightened and taken unawares, that the aforesaid committee might draw up a Declaration, to be published through all the neighbouring counties, for the Trained Bands and all the forces, in and about London, to be put into a posture of defence, and be placed under such officers as that they may be ready at an hour's warning.

The Parliament's Orders for Defence of the City.] Oct. 14. It was ordered, That guard-houses, with posts, bars and chains, be forthwith erected and set up, in such places and by-lanes, in the parishes of St. Margaret's, Westminster, St. Martin's in the Fields, in the confines of Westminster; St. Clement's, Danes; St. Mary, Savoy; St. Andrew's, Holborn; St. Giles in the Fields; Covent-Garden, St. John's-Street; St. James at Clerkenwell; St. Giles, Cripplegate; Shoreditch, White-Chapel, Islington, Mile-End, Southwark, and Lambeth, as should be thought necessary and convenient for the defence and safety of London and Westminster: and that the Trained Bands and Volunteers of the said parishes should be under arms, and keep watch day and night; that they should seize and arrest all suspicious persons, arms, or ammunition, passing or repassing through the said places, and them keep till the pleasure of the parliament was known.

Bill for calling an Assembly of Divines.] Oct. 15. A bill was sent up to the lords, intitled, 'An Act for calling an Assembly of godly and learned Divines, to be consulted with by the parliament, for settling the Government and Liturgy of the Church of England, and for vindicating and clearing the Doctrine thereof from false aspersions and interpretations.' The commons desired the lords to give expedition to this bill, because it was to commence on the 5th of Feb. next; and it was read a first time this day.

Resolutions as to Contributions to the Parliament Loan, &c.] Oct. 15. p. m. A conference was held between the two houses, in which the commons delivered the following Resolutions for their lordship's concurrence; which was granted. Resolved, 1. "That such persons as shall not contribute to the charge of the common-wealth, in this time of imminent danger, shall be held fit to be disarmed and secured. 2. That the fines, rents and profits, of archbishops, bishops, deans, deans and chapters, and of such notorious delinquents as have taken up arms against the parliament, or have been active in the Commission of Array, shall be sequestered for the use and service of the common-wealth. 3. That the king's revenue, arising out of rents, and fines in courts of justice, compositions for wards, and the like, and all other his majesty's revenues, shall be brought into the several courts and other places where they ought to be paid in; and not issued forth nor passed out, without Orders from both houses of parliament."

In consequence of the first of these Resolutions many persons, who refused to lend money, were sent for by the commons as delinquents; of whom we shall mention one only as an instance: Mr. Fountayne, a barrister at law, being asked by the Speaker, Whether he would contribute any thing in this time of common danger; said, He did humbly desire that he may not be compelled to give any answer. But being pressed to give his reasons for refusing to make any answer, he replied, Because he conceived it to be against the Petition of Right. Hereupon the commons resolved, That he be committed prisoner to the Gatehouse, there to remain during the pleasure of that house for his contempt; and that his arms be seized and taken from him by the sheriffs of London. However, a few days after, upon Mr. Fountayne's humble petition, the commons gave him leave to go, with the keeper of the Gatehouse, to bury his wife; but this liberty not to exceed four days.—A committee was also appointed to prepare a Declaration to set forth, That this demanding of contribution upon the Propositions, is according to law; and to set a mark of malignity and disaffection upon such as shall refuse to contribute, in this time of common danger.

The Parliament's Order for assembling the Trained Bands.] Next was read the following Declaration, ordering all Trained Bands to be in readiness. It was also agreed to by the lords, and ordered to be printed and published:

"The lords and commons in parliament, considering, with much tenderness and compassion, the miserable condition of this kingdom, distracted and distempered with many present evils and imminent dangers, and brought now to such height of extremity of misery, that two English armies are near together, even ready to join in a dreadful and bloody encounter, through the violent and wicked counsel of those who have captivated both the person and the power of the king to their own impious and traiterous designs, do thereupon think good to publish and declare the same to the kingdom; together with some Directions and Provisions which may prevent the utter desolation and ruin both of religion and liberty, already overwhelmed and suppressed in the intention and hope of those rebels and traitors about the king; to which purpose it is desired by both houses, that all well-affected subjects may take notice of these particulars, that the king, by the help and assistance of the Papists, the prelatical and corrupt part of the clergy, the delinquent nobility and gentry, and by the confluence of some notable traitors from beyond seas, the lord Digby, O'Neale, and others, and of many desperate, mercenary, and ill-affected persons from all parts of the kingdom, hath raised an army, armed, cloathed, and fed, for the most part, with the spoils of his subjects; giving them leave to plunder and rob all sorts of people, and to exact money and plate from

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corporations, by threatening fire and sword if they should refuse it.—That this wicked counsel doth not only hinder his majesty from exercising the justice and protection of a king towards his people, but even that honour which is observed betwixt enemies; for, by a confident instrument of his majesty, sir John Henderson, a Papist, as we are credibly informed, one David Alexander was urged to kill sir John Hotham, telling him it would be a good service both to God and the king; which he refused to do, saying, 'It was the work of a butcher, and not of a soldier.' This Alexander being a Scotsman of a very poor fortune, and of a mind fit for desperate attempts, the king sent for him twice while he was at Beverley; and when he came to his presence he spake to him publickly in the field, and appointed a sum of money to be given him, which he received.—After which another proposition was made to him by the said sir John Henderson, that he would put fire to the Magazine of the army raised by the parliament; and to gain the better opportunity to effect it, that he should labour to get some employment in the train of artillery, which he undertook, and endeavoured to obtain; but before he could effect his mischievous intention, he was discovered, apprehended, and examined, and thereupon confessed the practice and undertaking; the particulars thereof are referred to the examinations thereupon taken. That the king doth send out letters to borrow great sums, professing, That those who will not lend him money do give him just cause to suspect their duty to his person and the peace of the kingdom: and this will be a sufficient reason to make them liable to be plundered and spoiled of all they have; but, such is the violence of the king's army, that their friends are in little better case than they who oppose them; and those who escape best must yet feed and billet the soldiers for nothing.—In those places where the Trained Bands are willing to go forth to serve in his majesty's army, yet, for the most part, their arms are taken from them and put upon those who are more mercenary and less interested in the common-wealth, and so likely to be fitter instruments of rapine and spoil. By these great violences and oppressions they have so exhausted those parts, that his majesty cannot stay long about Shrewsbury; and it is the earnest desire of the Cavaliers, that he would march forward towards London, those rich and fruitful counties in the way being like to yield them a supply of their necessities, and the wealth of London, a full satisfaction of their hopes,; where they likewise think to find a party, which, upon his majesty's approach, may make some disturbance, and facilitate their designs upon the city.—That if the king's army prevail, the good subjects can expect nothing but that their lives and fortunes will be exposed to the malice and rapine of those ravenous soldiers, who often talk of cutting the throats of honest and religious men, and have long expected their goods and estates, as the rewards of their service; the kingdom will again fall under the government of those mischievous counsels, who, before this parliament, had even brought both religion and liberty to ruin; and we shall have no hope left of any more parliaments, but such as shall be concurrent and subservient to these ends.—The Means of curing and preventing these Evils and Dangers we conceive to be these: That good provision be made, by Loan and Contribution, for the army raised by the parliament under the lord general the earl of Essex, which is no whit inferior in horse and foot to the king's army, better armed, full paid, restrained from disorder and rapine as much as may be; well provided of all outward necessaries, but above all, well encouraged and instructed in the goodness of the cause, by the labour of many godly and painful divines.—That this Army be ready always to attend the removes of the king's army, either in one body or divided, as there shall be occasion, according to the wise conduct and direction of the lord-general; that so no opportunity of fighting upon advantage be lost, nor the greedy soldiers of the king's army suffered to range and spoil the country at their pleasure. That the counties through which the king's army is to pass, do associate themselves, and draw all their forces together, for the mutual defence of their persons and goods from oppression and spoil. That those counties be required to send in all their horses fit for carriages and dragoons, as well for the assistance of the lord-general; (for which, in convenient time, they shall receive satisfaction) as likewise that by such means those horses may be kept from being employed by the king's army. That command and direction be given to all lieutenants of counties and deputy-lieutenants, that all the Trained Bands and all Volunteers be put into readiness to be brought to such rendezvous, and to be obedient to such commanders in chief, as shall be appointed by the committee for the safety of the kingdom, or by the lord-general; that so the king's army may find opposition in every place as they pass, and the inhabitants may have at hand a sufficient protection and defence; and the lord-general may strengthen his own army with these forces, as he shall see cause. That powder, munition, and ordnance, with all other necessaries, be prepared for these forces; that so, without any trouble or confusion, they may be brought together, and fitted for service upon all sudden occurrences. That all those who, in the city of London or any other place, shall wear any colours or other marks of division, whereby they may be distinguished from others, and known to be of the Malignant Party, shall be examined, searched, and disarmed: as likewise all others who, being able, shall not lend or contribute towards the public safety of the kingdom in this time of so great and imminent danger. That it be commended to the serious consideration of those in the king's army, and of all others that intend to assist and succour his majesty in this

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impious and unnatural war, (amongst whom it may be hoped there are some honest men and protestants) what it is that moves them in this quarrel.—Is it for fear of some innovations and alterations of religion, or Church-government? Let such as are possest with this vain and causeless apprehension know, that nothing is intended or desired, but to take away the government by bishops, which hath been so constantly and evidently mischievous to the church and state; with such other things as shall be found to be justly offensive; and nothing to be settled and introduced but by authority of parliament, after consultation first had with an assembly of learned and reverend Divines.—Is it to uphold the authority, prerogative, and honour of the king, and to preserve the safety of his royal person? Surely the parliament is, and ever hath been, ready to do any thing that belongs to them to secure all these; which they have often testified by many humble Petitions to his majesty. If there be no cause, for any of these respects, to seek the destruction of the parliament, and the blood and ruin of their kindred, friends, and acquaintance; what remains then to be the matter of the quarrel, the motives of such great combustions, and the effects and consequences of their victory if they should prevail? That priests, Jesuits, and the pope's nuncios, may domineer and govern in the king's counsel, as heretofore; that the archbishops of Canterbury and York, and their suffragans, may suppress diligent and powerful preaching, banish and oppress all the most pious and best affected subjects of the kingdom, and introduce the Popish religion, under Protestant profession; till they have strength and boldness to cast off the disguise, and openly appear that which indeed they are, and would not seem to be. That the earl of Bristol, and his son the lord Digby, Mr. Jermyn, and other such traitors, may possess the great places and government of this kingdom; and be the arbiters of the affairs of state, and distributers of preferments and disgraces to such who shall further or oppose their designs. That the delinquents, oppressors, and destroyers of the kingdom, may not only escape the justice of the parliament, but triumph in the spoils of all honest men and good patriots; that through our troubles and divisions, the rebels in Ireland may prevail; that we may cease to be a free nation; and become the object of cruelty and oppression at home, and of scorn and infamy abroad. And if there can be no other fruit of their hazard and endeavours on that side, let them then consider whether, by adhering to the parliament, they may not expect effects, more suitable to the desires of honest men; the glory of God, in the preservation of his truth; the peace of the church, by securing it against the pride, avarice, and ambition of the clergy: the honour, greatness, and security of the king, by freeing him from false and traiterous counsels, and establishing him in the hearts and affections of his people; the prosperity of the whole kingdom, by the blessing of good laws and a righteous government."

Oct. 17. Alderman Pennington being chosen lord mayor of London, upon the removal of sir R. Gurney, he was ordered, on account of the lord keeper's absence, to appear before the lords in parliament for their approbation, before he was sworn at the bar of the Exchequer. The lords passed great compliments on the new lord mayor, for his experienced duty and loyalty to the king and kingdom, and were well pleased the city had made such a choice.

Oct. 19. The lord Coventry, who had revolted from the king to the parliament, sent a submissive Letter to the lords by the earl of Northumberland, and offered 2000*l.* in money for carrying on the cause in hand: alledging, that though he had subscribed, at York, to furnish the king with horses, &c. he did it only for one month, and would not contribute or meddle, in any thing of that nature, hereafter: desiring to be protected, in person and estate, and have his goods in Worcestershire restored to him. All which the lords readily accepted of and promised him.

Letters from the E. of Essex, &c. concerning the last Petition to the King.] Oct. 20. A conference was held, in which were exhibited some Letters from the earl of Essex, dated from Worcester, sent to the Committee of Safety; and, first, one from himself:

"My lords and gentlemen; In obedience to your commands, I sent Mr. Lionel Copley, with a Letter and three Votes of both houses, with a desire of a safe conduct to such as should be sent with the Petition to his majesty; my lord Dorset's Answer I have sent your lordships, who can better tell how to consider of it than I your servant. My lords, this Answer did not take me unprovided; for, since the first Answer I sent up to the parliament, I expected no better. And for my head, which is so much sought after, if God please, I intend to sell it at such a rate that the buyers shall be no great purchasers. I shall not, in this letter, presume further upon your patience, acknowledging the great affairs you have; only this, assuring you, That I shall neither spare any hazard or pains to declare myself to be, Your, &c. ESSEX. Worcester, Oct. 18, 1642."

Next the Letter from the earl of Dorset, in answer to that from the Lord-General, was read:

"My lord; I have received your Letter of the 15th and in it, the Votes of both houses of parliament of the 3rd; and have direction from his majesty to return you this Answer: That, if justice had been done, the gentleman that brought it could not expect his liberty. And for the address of the Petition of both houses, as his majesty, by my former Letter, declared his resolution, That he would not receive any by the hands of such as he had, by name, proclaimed traitors; so now his majesty, having declared you the principal in that number, will not receive any by your address: but, as his maj. then declared by me, his ear shall

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still be open to hear any fitting address from either or both houses in such manner as his maj. hath declared. This being all I have in charge from his majesty to signify unto you, I remain, &c. DORSET. Woolverhampton, Oct. 16, 1642."

Then followed a Letter from the Committee of both houses in their army, to the Committee of Safety at Westminster, in these words:

"My lords and gentlemen; In obedience to the commands of the houses, the lord-general dispatched Mr. Copley, commissary-general of the musters, to desire a safe convoy of all such as his excellency should send with the Petition of both houses to his majesty; and, yesterday morning, Mr. Copley returned with the foregoing Answer, by which your lordships may perceive that his majesty absolutely refuses to receive any Petition by any address of the lord-general, as one who is there expressed to be the principal of the number of those whom the king hath proclaimed Traitors. This we humbly conceive to be an high indignity and scorn cast upon the authority of parliament, in the person of his excellency unto whom they have committed the care and government of their army, in which their religion and safety is so much concerned; and a final and utter rejection of the submiss, dutiful, and earnest desires of peace, so often laid at his feet, with the cries and groans of his loyal and loving subjects. My lords, we could not chuse but express this our sense of it; the further consideration whereof we leave unto your wisdoms; and rest: Your, &c. Bedford, Mandeville,* Brooke, Willoughby, D. Hollis, P. Stapylton, Ar. Goodwyn.—Worcester Oct. 18, 1642."

After the reading of these Letters, the lords thought it fit that this denial of the king to receive the Petition from the lord-general, as likewise the danger this kingdom and the city of London is in by the advancing of the king's army, with other particulars in the last conference, should be communicated to the citizens, that they might be provided, and more readily come into an association for their defence, which both houses had ordered to be drawn up for that purpose. The lord mayor was accordingly ordered to call a common-hall, and a committee of lords and commons appointed to deliver this to them.

Oct. 22. An Ordinance was read and agreed to, importing, That the houses being credibly informed of the king's approach to this city with his army; and, by former Declarations, giving great cause to expect their intentions are to destroy both parliament and city: they believe it therefore necessary, for their present safety and defence, that all the stables of the city of London, and suburbs, should be forthwith searched, and the number of horses in them, fit to be listed, taken; declaring and promising, upon the public faith, to satisfy and pay for such as shall miscarry in the use of them; and the rest to be returned to the owners of them, when this action shall be passed and the danger over. This Order to be sent to the committee of the Militia in London and Westminster, and the lord-lieutenants and deputy-lieutenants of Middlesex and the neighbouring counties.

Next follows the earl of Warwick's Commission, who had been recalled from the Fleet, constituting him Captain-General of all the Forces raised, or to be raised, in or about London, without any derogation to the commission already given by parliament to the earl of Essex.

The Parliament's Protestation to the whole World, in Vindication of their Proceedings.]

Then a Declaration of both houses, which had been drawn up by the committee of safety, was read, agreed to, and ordered to be printed; as follows:

A PROTESTATION and DECLARATION of the LORDS and COMMONS in Parliament, to this Kingdom, and to the whole World, Oct. 22, 1642.

"We the lords and commons in this present parliament assembled, do, in the presence of Almighty God, for the satisfaction of our consciences, and the discharge of that great trust which lies upon us, make this Protestation and Declaration to this kingdom and nation, and to the whole world, 'That no private passion or respect, no evil intention to his majesty's person, no design to the prejudice of his just honour and authority, engaged us to raise forces, and take up arms against the authors of this war, wherewith the kingdom is now enflamed.' —And we have always desired from our hearts and souls, manifested in our actions and proceedings, and in several humble Petitions and Remonstrances to his majesty, professed our loyalty and obedience to his crown, readiness and resolution to defend his person, and support his estate, with our lives and fortunes to the uttermost of our power.—That we have been willing to pass by not only those injuries, ignominies, slanders, and false accusations, wherewith we have been privately oppressed and grieved; but likewise many public incroachments, and high usurpations, to the prejudice of religion and liberty; divers bloody, traiterous and cruel practises and designs, for the utter ruin of the church and state; so as we might, for the time to come, have been secured from that wicked and Malignant Party, those pernicious and traiterous counsels, who have been the authors and fomenters of the former mischiefs and present calamities, which have and still do distemper this church and state.—That for the same purpose, and for the avoiding of blood, we directed the earl of Essex lord-general, by himself or others, in some safe and honourable way, to cause to be delivered an humble Petition, wherein we did de-

* So stiled as heir apparent to the earl of Manchester. In the foregoing part of this work he is called lord Kimbolton, being summoned to the house of lords by his father's barony of that name.

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dire nothing from his majesty, but that he would return in peace to his parliament; and, by their faithful counsel and advice, compose the distempers and confusions abounding in his kingdoms, as he is bound to do; we therein professed, in the sight of Almighty God, which is the strongest obligation that any Christian, and the most solemn public faith which any such state as a parliament can give, That we would receive him with all honour, yield him all true obedience and subjection, and faithfully endeavour to defend his person and estate from all danger; and, to the uttermost of our power, to establish him and his people in all the blessings of a glorious and happy reign, as it is more largely expressed in that Petition.—For the delivery of which Petition, his excellency hath twice sent unto the king, humbly desiring a safe conduct for those who should be employed therein: but his majesty refused to give any such safe conduct, or to receive this humble and dutiful Petition by any address from the earl of Essex; saying, 'That if justice had been done, the gentleman which brought the 2nd Message could not expect his liberty.'—By all which, and many other evidences and inducements, we are fully convinced in our judgments and belief, That the king's counsels and resolutions are so engaged to the Popish party, for the suppression and extirpation of the true religion, that all hopes of peace and protection are excluded; and that it is fully intended to give satisfaction to the Papists, by alteration of religion; and to the Cavaliers and other soldiers, by exposing the wealth of the good subjects, especially of this city of London, to be sacked, plundered, and spoiled by them.—That for the better effecting hereof, great numbers of Papists have, in shew, conformed themselves to the Protestant religion, by coming to the church, receiving the Sacrament, and taking the oaths of Allegiance and Supremacy; which some of their own priests have encouraged them to do, by maintaining, 'That they might do all those things, and yet continue good catholicks:' under which cover his maj. did, at first, begin to strengthen himself (those of that religion being weak, and unable to endure the envy and discontent which the arming of Papists would procure in the kingdom); and therefore endeavoured to keep off all jealousies and suspicions, by many fearful Oaths and Imprecations; concerning his purpose of maintaining the Protestant religion and the laws of the kingdom; causing some professed papists to be discharged out of his army; and none to be received that would not endure the test of coming to church, receiving the sacrament, and taking the Oaths of Allegiance.—That his majesty being now grown stronger, and able, as he conceives, to make good his own ends by arms, his confidence in the priests doth more clearly appear: persons imprisoned for Priests and Jesuits have been released out of the jail of Lancaster; professed Papists have been invited to rise and take up arms; commissions, under his majesty's authority, have been granted to many of them for places of command in this war, with power to raise men; and great numbers have been raised by them, and they daily increase; as namely, to sir Nich. Thornton, sir Tho. Howard, bart. sir Edw. Widdrington, sir Wm. Kiddell, Mr. Smith of Ash, Mr. Gray of Morpeth castle, Mr. Errington of Denington, Mr. Holtby, all of Northumberland, bishoprick of Durham, and Newcastle; to Mr. Clifton, Mr. Walter, sir Wm. Gerrard, bart. sir Cecil Trafford, and Mr. Anderson of Lostocke, in the county of Lancaster; divers forces are raised, and paid by the earl of Worcester; his son, the lord Herbert, a notorious Papist, is made general of all South-Wales: and we are further informed out of Yorkshire, by divers persons of great worth and quality, That those that raise forces in those parts for his majesty, do arm and employ Papists, and use their advice in their consultations; all which is contrary to the solemn Oaths, Protestations, and Execrations, whereby his maj. bound himself to maintain the Protestant religion, and the laws of the land; by which he endeavoured to get a confidence in the people of his good intentions; which, how well it is answered, we leave to the world to judge.—That sir John Henderson and col. Cochran, men of ill report both for religion and honesty, are sent to Hamburgh and Denmark, we are credibly informed, to raise forces there, and to bring them to Newcastle; to join them with the earl of Newcastle and the army of Papists which they intended to raise there; and that divers endeavours have been used, in other foreign parts, to bring strange forces into the kingdom.—That the king hath received about him divers Papists of Ireland, some of which are indicted of high treason for their rebellion there, notoriously known to have been in actual rebellion; as namely, the lord Taaffe, sir John Oungane, col. Fitz-Williams, proclaimed rebels; dr. Meara, indicted for the rebellion in Ireland, and fled for the same, and yet appointed physician to prince Rupert.—That his majesty hath sent for the Petition of the Irish Rebels, which the justices had stopped, with evident expression of favour to them; whereby that kingdom is like to become an unfit habitation of any Protestants, and a seminary of war and treason against this kingdom.—That divers English traitors, actors in the former designs against the kingdom and parliament, are the chief counsellors and actors in this unnatural war against his subjects, as the lord Digby, O'Neal, Wilmot, Pollard, Ashburnham, and others.—That we have been likewise credibly informed, that divers Jesuits and Priests, in foreign parts, make great collections of money, for relief of the Papists in Ireland, and the furthering of his majesty's designs here against the parliament; and that by them, and some others fled out of this kingdom for treason, great means are made to make up the differences betwixt some princes of the Romish religion that so they might unite their strength for the extirpation of the Protestant re-

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ligion; wherein principally this kingdom and the kingdom of Scotland are concerned, as making the greatest body of the reformed religion in Christendom, and best able to defend themselves and succour other churches.—For all which Reasons we are resolved to enter into a solemn Oath and Covenant with God to give up ourselves, our lives and fortunes, into his hands; and that we will, to the uttermost of our power and judgment, maintain his truth, and conform ourselves to his will. That we will defend this cause with the hazard of our lives, against the king's army, and against all that join with them in the prosecution of this wicked design; acccording to the form to be agreed upon by both houses of parliament, to be subscribed by our hands; and that we will, for the same ends, associate ourselves, and unite with all the well-affected in the city of London and other parts of his majesty's dominions.—That we expect our brethren of Scotland (according to the act of Pacification, whereby the two kingdoms are mutually bound to suppress all debates and differences, to the disturbance of the public peace) will help and assist us in defence of the cause; which, if the Popish party prevail, must needs either involve them in that alteration of religion which will be made here, or engage them in a war against this kingdom, to defend their own religion and liberty: and we doubt not but the God of Truth, and the great Protector of his people, will assist and enable us, in this our just defence, to restrain the malice and fury of those that seek our ruin; and to secure the persons, estates, and liberties of all that join with us; and to procure and establish the safety of religion, and fruition of our laws and liberties, in this and all other his majesty's dominions; which we do, here again, profess, before the ever-living God, to be the chief end of all our counsels and resolutions without any intention or desire to hurt or injure his maj. either in his person or just power."

The King's Answer.] There is no mention of any Answer from the king to this Protestation of parliament in the Journals: we shall however give it here for the sake of connection, though it was printed after the Battle of Edge-hill. * This circumstance of time is necessary to be kept in view, on account of some expressions which carry a reference to that action.

"If, in truth, the framers of this Declaration are not engaged by any private passion or respect, by any evil intention to our person, or design to the prejudice of our just honour and authority, to raise these forces and army against us (as they call Almighty God to witness they are not) they will think it their duty to disclaim the protection of the conductors of that army; who, the next day after this so solemn Protestation, used their utmost power, by the strength of that army, to have destroyed us, and put our person (for whose defence they would make the world believe this army is raised) into as much danger as the skill and malice of desperate rebels could do; otherwise this Protestation, now made, will appear of the same nature with those by which they promised to make us a glorious king; when, by their Nineteen Propositions, they endeavoured to strip us of all those rights which made us a king and them subjects.—What those actions and proceedings have been, which have manifested their loyalty and obedience unto us, will be as hard to find, as in their humble Petitions and Remonstrances; when, in truth, their actions have been the greatest scorns of our authority, and their Petitions the greatest reproaches and challenges of us, which any age have produced: and we have not only the clear evidence of our own conscience, but the testimony of all good men, that we left no action unperformed on our part, which might have prevented the misery and confusion which the ambition, fury, and malice of these seditious persons have brought upon this poor kingdom; neither is there any thing wanting to the happiness of church and state, but that peace and order which the faction of these men have robbed them of.—But they say, 'They directed their general, the earl of Essex, to deliver an humble Petition to us, wherein they desire nothing from us, but that we would return in peace to our parliament; and by their faithful counsel and advice, compose the distempers and confusions abounding in our kingdoms, as we are bound to do,' We were never so backward in receiving, or so slow in answering, the Petitions of either or both our houses of parliament that there was any need of an army to quicken us; which either or both houses of parliament have, in no case, any more shadow of right or power to raise by any law, custom, or privilege, than they have, by their Votes, to take away the lives and Fortunes of all the subjects of England; yet the framers of this Declaration take it unkindly, that upon their profession in the sight of Almighty God (which is, they say, the strongest assurance that any Christian can give) we did not put ourself into their hands,' (those hands which were lifted up against us, and filled at that time with arms to destroy us,) and leave a strength God had supplied us with, of good and faithful subjects; who, notwithstanding all their threats and menaces, had brought themselves to our assistance. If that Petition had been so humble as they pretended, they would not have lost the advantage of publishing it in this their Declaration; that the world might as well have been witness of our refusal of peace, as it hath been of their disdain of any way to it, when they rejected our several earnest offers of a Treaty.—But why did they not send this humble Petition? Why, 'His excellency twice sent unto us for a safe-conduct for those who should be employed therein, and we refused to give any, or to receive the humble and dutiful petition.' Sure,

* Printed at Oxford by Leonard Litchfield, printer to the University, 1642.

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when our good subjects shall understand the strange enmity between these men and truth, the no-conscience they use in publishing, and informing those by whom they pretend to be trusted, things monstrous and contrary to their own knowledge, they will be no less offended with their falsehood to them, than their treason to us. 'Tis well known we never refused to give admittance to any Message or Petition from either or both houses of parliament; their messengers have been received and entertained, not only with that safety, but with that candour, as is due to the best subjects; when their errand hath been full of reproach and scorn, and the bringers, bold, arrogant, and seditious in their demeanour; and therefore there needed to have been no more scruple made in the delivery of this, than the other Petitions which have been brought us.—The truth is, we were no sooner acquainted at Shrewsbury, by the earl of Dorset, that he had received a Letter from the earl of Essex, intimating, 'That he had a Petition from both houses to be delivered to us, and to that purpose asking a safe-conduct for those who should be sent; but we returned this Answer, That as we had never refused to receive any Petition from our houses of parliament, so we should be ready to give such a reception and answer to this as should be fit; and that the bringers of it should come and go with all safety;' only we required, 'that none of those persons whom we had particulary accused of high treason should be, by colour of that Petition, employed to us.'—After this we heard no more till a second Letter, at least a fortnight after the first to the earl of Dorset, informed us, 'That our former Answer was declared to be a breach of privilege, in that we would not allow any messengers to come to us;' that is, that we were not content that such persons, who had conspired our death, might securely come into our presence.—Our second Answer differed little from our former, insisting, 'That the address should not be made by any of those persons whom we had particularly accused of high treason, amongst whom the earl of Essex himself was one; but declaring that our ear should be still open to hear any Petition from our two houses of parliament:' whether this were a denial from us to receive their Petition, or whether, if our two houses of parliament had indeed desired to treat with us by Petition, they might not as well have sent it to us, as they have since done their Instructions to their ambassadors into Ireland, and their new Bill, for rooting out Episcopacy, and devising a new form of church-government, let all the world judge. We have reason to believe that the Petition then prepared for us (if we have seen the true copy of it) was thought, by the persons trusted for the presenting it, fitter to be delivered after a battle and full conquest of us, than in the head of our army, when it might seem somewhat in our power whether we would be deposed or not.—For that continued dishonest accusation of our inclination to the Papists, (which the authors of it in their own consciences, which will one day be dreadful to them, know to be most unjust and groundless) we can say no more, and we can do no more, to the satisfaction of the world. If they know that the Romish priests have encouraged those of that religion to conform themselves to the Protestant religion, by coming to Church, receiving the Sacrament, and taking the Oaths of Allegiance and Supremacy, they are more conversant with the subtleties of them than we are; but we must confess, till we be certain they have found that way to deceive us, that is, to elude the laws which are against them, we shall, in charity, believe their conformity to be real, and not pretended: But that any Priests or Jesuists, imprisoned, have been released by us out of the goal of Lancaster, or any other goal, is as false (to use an expression of their own) as the Father of Lies could invent; neither are the persons named in that Declaration, to whom commissions are supposed to be granted for places of command in this war, so much as known to us; nor have they any command, or, to our knowledge, are present in our army; and 'tis strange that our Oaths and Protestations before Almighty God, for the maintenance of the Protestant religion, should be so slighted in the end of that Declaration; when, in the beginning of it, it is acknowledged to be the strongest obligation and assurance that any Christian can give. We desire to have our Protestations believed by the evidence of our actions: But they are informed (and that is ground enough for them to lay the basest imputation upon their sovereign) that sir John Henderson and colonel Cochran (men of ill report both for religion and honesty) are sent to Hamburgh and Denmark, (we thought we should have heard no more news from Denmark) to raise foreign forces, and to bring them hither. We have before, in our Declaration, (sufficient to satisfy any honest man) declared our opinion and resolution concerning foreign force; and we had never greater cause to be confident of security in our own subjects, and therefore cannot believe so vile a scandal can make any impression in sober men.—Let a list of the nobility and gentry about us, and in our service, be viewed; and will they not be found the most zealous in the Protestant religion, the most eminent in reputation, of the greatest fortunes, and the greatest fame, the most public lovers of their country, and most earnest assertors of the liberty of the subject, that this kingdom hath? How different the reputation of the principal ringleaders of this faction and rebellion is, how careful they are of employing virtuous and honest men, is apparent to all the world; when they have entertained all the desperate and necessitous persons (whereof very many are Papists, which we speak knowingly, as having taken several of them prisoners) they can draw to them; and when they supersede a proceeding at the common law, for an odious and infamous crime, that Mr. Griffen may have

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liberty to keep them company in this rebellion.—For our affection and gracious inclination to the city of London, and how far we are from any such purpose as these impious men charge us with, appears in our late Proclamation; in which we declare the suburbs to be comprehended, as well as the cities of London and Westminster; to which we doubt not they will give that credit and obedience, as we shall have cause to commend their loyalty in joining with us to suppress this rebellion; which, uncontrouled, in a short time must make that place most miserable.—For the Oath and Covenant which they threaten us with; if it be to engage them to do, or not to do, any thing contrary to the Oaths they have already taken of Allegiance and Supremacy; as it cannot oblige them being taken, so we doubt not our good subjects will easily discern that it is a snare to betray and lead them into a condition of the same guilt, and so of the same danger with themselves: and we must therefore declare, whosoever hereafter shall suffer himself to be cozened by those stratagems, and take such a voluntary oath against us, we shall impute it to so much malice, as will render him incapable of our pardon; and shall proceed against him as a desperate promoter of sedition, and an enemy to the kingdom.—Let all honest men remember the many gracious acts we have passed this parliament, for the ease and benefit of our people; that when there was nothing left undone or unoffered by us, which might make this nation happy, these mischievous contrivers of ruin, instead of acknowledging our grace and justice, upbraided us with all the reproaches malice and cunning could invent, in a Remonstrance to the people, a thing never heard of till that time; that having thus incensed mutinous and seditious minds, they made use of them to awe the parliament, driving us and the major part of both houses from our city of London; that they took away our fort and town of Hull from us, kept us from thence by force of arms, and employed our own magazine against us; that they seized upon our royal navy, and with it chased our good subjects, and kept all supply from us; that they voted away our negative voice, and then raised a formidable army to destroy us; that when they had thus compelled us to raise some power for our defence, (by the help of such of our good subjects, who, against the fury of these men, durst continue loyal) they absolutely and peremptorily refused to treat with us for the peace of the kingdom: And, lastly, That on the 23rd day of Oct. they brought this army (raised for the defence of our person) into the field against us; and used their best skill and means to destroy us and our children. We say, whoever remembers and considers this progress of theirs, will think of no other Covenant than to join with us in the apprehending the authors of this miserable Civil War; that posterity may not, with shame and indignation, find that a few schismatical ambitious persons were able to bring such a flourishing glorious kingdom, which hath so long resisted the envy of Christendom, to a speedy desolation, to satisfy their own pride and ambition.—And we doubt not our good subjects of Scotland will never think themselves engaged by the act of Pacification, (to which we willingly consented) to assist a rebellion against their own natural king, for the assistance of persons accused, and notoriously known to be guilty of high treason; the bringing of whom to condign punishment would, with God's blessing, be a speedy means of happiness and peace to our three kingdoms."

The King resolves to march towards London.] The king, having by this time greatly augmented his army at Shrewsbury and the counties adjacent, left the earl of Essex behind him at Worcester, and resolved to march directly towards London. This resolution put both houses and the city into the utmost consternation; the parliament not only sent to their general to hasten after the king, but were endeavouring to raise another army, under the command of the earl of Warwick, to oppose him.

The Parliament and Citizens prepare for their Defence] Oct. 24. Orders were given, requiring all manner of persons whatsoever, in London, Westminster, and Southwark, to shut up their shops, and forbear their trades; that so they might, with the greater freedom and diligence, for the present, attend the defence of the said places, and put in execution such Commands as they should from time to time receive from both houses of Parliament for that purpose. And, to secure themselves within doors, the house of commons had thought fit to require a Declaration from each of their Members, separately, That they would be assisting to the earl of Essex in this cause, with their lives and fortunes; and, as a testimony of it, to give or lend some money, immediately for that service.

An Ordinance of Parliament was read and agreed to, 'For making Provision for those that should be maimed in the present war, in the Service of the Parliament; and also for the Wives and Children of those that should be slain'.

Oct. 25. An Order was made for putting the City Militia, &c. in motion; and another for allowing a maintenance to the king's youngest children, the duke of Gloucester and the princess Elizabeth, then at St. James's, out of his majesty's revenues, which the parliament had taken into their own hands.

Oct. 26. p. m. A Proclamation from the king, entered in the Lords Journal of this day, was read, but it is not mentioned who delivered it:

"C. R. His majesty, verily believing that many of his subjects, who are now in actual rebellion against him, are ignorant against whom they fight, is graciously pleased to promise free pardon to both officers and soldiers (except those that are, by name, proclaimed traitors) who shall lay down their arms and submit themselves to his majesty. We command you, Clarencieux king at arms, to pronounce this before the earl of Essex's army."

Relation of the Battle of Edge-hill.] This

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day the lord Wharton made a relation of the Fight which had happened on Sunday last, the 23rd instant, between the Parliament's Forces and the King's, at a place between Warwick and Banbury, near a town called Keynton; and that it was conceived there were slain, of the king's party, 3000; and, on the parliament's side, not above 300. That the lord-general with his forces were retired to Warwick, and that the king's army was in those parts, but refused to meet the parliament's forces on the Monday before his excellency retired*.

Oct. 27. The lord Wharton signified to the lords; That the lord-general desired the relation of the Battle at Keynton might be made to the city of London, having found so much friendship from them to the parliament's cause. Hereupon the house ordered the lord mayor to be sent to, to call a common-hall to meet it is afternoon, at 5 o'clock; and an extraordinary committee of both houses to be appointed to go to the city, where the lord Wharton was to make the Relation to them. Accordingly a committee of 10 lords and 20 commoners was sent; some of whose speeches on this occasion, being preserved in a pamphlet of this time, and no where else that we know of, deserve our notice. We shall therefore give them in their own phrase and diction†.

The lord *Wharton* spoke thus:—My lord mayor, and you the aldermen and common council of this city; In a business of this very great consequence and concernment, it was very well known to my lord-general, that you could not but be full of great expectations; and my lord had, according to his duty, taken care for to give information to the parliament, who had sent him, of what had proceeded: In the very next place it was his particular respect to this city, to my lord mayor, the aldermen, the common council, and all the commons of this city, that they might likewise be acquainted with the success of that business; towards which they themselves had been at so much expences, and shewed so much love and kindness in all their proceedings for that purpose: And because letters might be uncertain, and might miscarry, there being great interception of them, the forces of the armies being close together, my lord thought fit to send Mr. Strode, a member of the house of commons, and myself: And certainly whatsoever shall be related by us to you, it will be good news, or else we should not willingly have undertaken the bringing of it; and for the truth of it, though we already hear that there are those that have so much malignity as to oppose it, yet the certainty of it will clear itself; and therefore there shall need no apologies to be made, but that which shall be said to you, shall be the truth, and nothing but the truth, in a very clear way of relation of what hath past.—Gentlemen, I shall open to you, as near as I can, as it comes within my memory, those circumstances which are worthy the taking notice of: And first, the Occasion why so many of the forces were not then upon the place; which you will find to be upon very good ground and reason, for the preservation of the counties that were behind, and of this city; which is the particular thing in the care, and now under the diligence of my lord-general to preserve. There was left at Hereford, which lies upon the confines of Wales, a regiment of foot under the command of my lord of Stamford, and a troop or two of horse: that the power of Wales might not fall in upon Gloucestershire and upon the river of Severn, and so upon the West. There was likewise left at Worcester (which you all know how it is seated upon the river of Severn, and what advantage it hath to intercept all force that shall come from Shrewsbury down into the West) a regiment of lord St. John and sir John Merrick's. There was, for the safety of Coventry (for that was a town it was likely the king might have fallen upon) the regiment of my lord Rochford; but it seems that his excellency the earl of Essex's army did so quickly come up to the king's, that his majesty thought it no way fit or advantageous for him to spend any time upon those places, for certainly they would have very quickly been relieved; so that the king stepped by Warwick and Coventry, which otherwise, we conceive they were towns he had as good an eye upon as any other towns in the whole kingdom, excepting this. There were likewise, occasioned by the suddenness of my lord's march, two regiments of foot, one under the command of a gentleman you all know, col. HAMPDEN, and the other under the command of col. Grantham, with some 10 or 12 troops of horse, one day's march behind; bringing up some powder, ammunition, and artillery, which my lord would not stay for; purposely upon his diligence and desire that there should not be an hour lost in pursuing after that army, and that he might make all haste in coming up to this town: And his desire to make haste to keep with that army was such, that he kept, for 2 or 3 days together, a day's march before that army: and so, there being another regiment lodged in Banbury, occasionally for their own safety, there was with the earl, when this Battle was fought upon the Lord's Day, 11 regiments of foot, and about 35 or 40 troops of Horse. That which makes me say this to you, is partly for your satisfaction, that you may know the reasons of the things that are past; and partly that you may give the more glory to God for his blessing, and for his preservation of that remnant of the army.—Upon the Saturday at night, after a very long march, for they came not in till 9 or 10 o'clock, the army came to Keynton; and the next morning, about 7, (though all that night there was news came that the king was going to Banbury) we had certain informa-

* The King's Account of this Battle, printed at Oxford by Leonard Litchfield, and the Parliament's Relation of the same, may be seen in Rushworth, vol. v. p. 33. et seq.

† London, printed for Francis Coles and Thomas Bates, 1642.

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tion he was coming down a hill, called Edge-hill, which hath some advantage by nature for forts and breast works, and such things as those are; and the king's army (that army which, being raised by his authority, goes under the pretence of being raised for him and the parliament, but really against the parliament) coming down the hill, my lord of Essex presently drew out into the field; and drew his army into a place of as good advantage as possibly he could, though the other army had the advantage by the hill, which they were possessed of before; and, at the beginning of the day, the wind was against us, and was for the advantage of the other army. The preparation on both sides was for the making of them ready for fight, and the king's coming down the hill was so long, that there was nothing done till 4 in the afternoon. And, gentlemen, I shall tell you the worst as well as the best, that you may know all; and that when you have known the worst, you may find it in your judgments, to give the more praise to God for his mercy, after there was so little probability of any success.—After we had shot 2 or 3 peices of ordinance, they began for to shoot some of theirs; and truly, not long after, before there was any near execution, 3 or 4 of our regiments fairly ran away. I shall name you the particulars, and afterwards name you those that did the extraordinary service, whereof you will find those of this city to have been very extraordinary instruments. There were that ran away, sir Wm. Fairfax's regiment, sir Henry Cholmley's, my lord Kimbolton's, and, to say the plain truth, my own.—Gentlemen, you see by this time, I am like to tell you the truth of every thing; but yet I must say this, that though they did so, I hope there will be a good number of them got together again, that may shew themselves in better condition, and better way of service than yet they have done: I hope so, and, by the blessing of God, it may be so, for they are but young soldiers; and we have some young soldiers that have, this last battle, done very extraordinary and gallant service.—Not long after there was a charge upon the left wing of the horse, where I conceive there was a matter of 18 or 19 troops; and truly I cannot say they did so well as they should, though I hope there are not many of them cut off neither, but that they will be brought together again to do very good service hereafter; but so it is, they had the worst of it. By this you will see that, at the beginning of the day, we might think it would not prove so well as it pleased God it did afterwards in the close of the day; for four troops were divided, and one part of the horse was not in good order; but it pleased God now to shew himself, for after the king's horse had past the left wing of our horse, (I cannot say it was in any hands but God's own Providence) they went to the town where all our baggage was, (the baggage of the officers and the private persons of the army, not they of the artillery, but the colonels carts and the captains carts, and such provision as that) and there they took a bait upon our pillage, and fell a plundering all the while the rest of the army was fighting; and indeed my lord-general had some more loss than ordinary, by some cloaths and money he had there; but we may thank God they were away, for thereby the rest of our army had better opportunity to do the service they did.—My lord-general himself, upon this extremity, did begin to shew himself to be more than an ordinary man, and indeed I think more than I have heard tell of any man; for he charged up at several times, once with his own troop of horse, as I remember; but I am sure with his own regiment of foot, which was raised here in Essex; and though so many ill passages happened before, yet by his own foresight and encouragement, and the encouragement of others, his troop of horse fell upon the king's own regiment, (which they had the most hopes of) called the Red Regiment; and, after a sore and bitter fight (for to give them their due, they fought very well, those of my lord of Essex's regiment I mean and those horse I spake of before) they killed the king's standard-bearer, sir Edmund Verney; also took the king's Standard which was raised up against the parliament, and brought it to my lord-general; and he delivered it to a servant, who was not so careful as he ought to have been; yet it was not re-taken by force, but by the carelessness and negligence of some persons: they took likewise the earl of Lindsey the king's general, prisoner, and carried him away; they took prisoner my lord-general's son, my lord Willoughby of Eresby; as also the person you have heard so much of, and been so well acquainted with here, col. Lunsford, which should have had the Tower, he was likewise taken prisoner, and his brother slain; sir Edw. Stradling prisoner, and divers others of quality, as my lord Aubigny, col. Vavasour, and sir Edw. Murray, a Scotsman of great quality.—While these were upon this service, I must do justice to divers other of the officers of the horse, which were upon the right wing, that did extraordinary service too; that was my lord of Bedford himself, who did very gallantly; sir Wm. Balfour, the late lieutenant of the Tower, sir Philip Stapylton, and all the troop which formerly had been under some other kind of report, did extraordinary service, and kept entirely to their charge; and though they were long under the power of the other's canon, there being some 17 shot against them, they stood still; and, God be thanked, not a man of them hurt.—There was likewise very extraordinary service performed by my lord Grey and sir Arthur Haslerig, who indeed were a help to give a great turn to the day, by cutting off a regiment of the king's which was called the Blue Regiment; and there were many other gentlemen of great worth, that did very extraordinary service too. I would not have you understand that others did not do it, because I remember not their names, for I speak to you now but on the sudden;

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only these I have named come now to my memory, and you will hear more of the rest upon other occasions.—Upon the close of the day, we knew it for certain that the best regiment of the king's was cut off, and his next best regiment, which was that under my lord of Lindsey; that there were all the prisoners taken and persons of quality slain I told you of; and we were informed by the countrymen, that saw them bury their dead next day, and bring them up into heaps, that there were about 3000 of theirs slain; and we cannot believe, nor we cannot have any information to give us reason to believe, that there were above 300 of ours slain.—It is to be observed of God's Providence in this day's work, that though it began so improbably, yet before the close of the night, which was two hours, (for they began to fight but about 4 o'clock) we had got the ground that they were upon; and had also got the wind of them; and we do not know, nor by information can conceive, that there were 20 men of ours killed by all the king's cannon.—And when it was night and there could be no more fighting, we drew our forces together, and so likewise did the king. They were then but at a reasonable distance, it may be three times, or six times the length, or some such distance, of this room; but in the night the forces of the king withdrew up towards the hill from whence they came: and my lord-general sent, amongst others, myself for to bring up those forces to him, which I told you were a day's march behind; these were col. Hampden and col. Grantham and those troops of horse, and the artillery; and about one or two o'clock the next morning, they came to my lord-general, and joined with the rest of the army.—When the king had drawn his forces up the hill, my lord-general drew us a matter of three quarters of a mile, further from the hill, that he might be out of the power of their cannon; there we stood on our arms all the night, and in the morning, drew ourselves again into the field; but we heard no more news of the other army, more than we saw some scattering men, of some 3 or 4 troops of horse on the top of the Hill, which came to bury the dead, and to take away some of their cannon, and such things as those were; but they came no more down the hill, neither that day, nor on Tuesday; though there were divers reports came to us, in the army, and I believe came hither, that there was fighting on Monday and Tuesday: but, there was no fighting, for the king kept on the top of the hill; and we came away on Tuesday, at 4 o'clock; so that we can assure you there was no more action, than what was on the Lord's Day.—Gentlemen, now I have declared this Narration to you, I shall say no more than this, That certainly my lord-general himself hath deserved as much in this service, for his pains and care, and for the particular success that was upon it, as truly as, I think, ever any gentleman did; and in the next place, that as God of his own immediate providence did thus declare himself for the owning of his own cause, so you will not forget to apply yourselves to God, to give him the glory, and to intreat his blessing upon your future attempts."

Mr. *Strode* spoke next:—"Gentlemen all; As the noble lord hath told you, my lord-general sent him up to you to give you a clear information of what was done; and he hath given you so clear a one, that there is little left for me to say to you; only my attestation, and that is needless. Had that been all I should have said nothing; but in the enumeration of those regiments that did run away, and of his own, I must needs say thus much, that, when they were all away, he staid with us in the service all that night. This I hold my duty to this honourable person, since it was modesty in himself to say nothing.—I shall crave leave a little further to make you some observation, that as God did this great work, and we ascribe to him the honour, so you will look upon the persons by whom he did it. In the first place you have heard, when it was a thousand to one but that we had lost the day, by the running away of the troop of horse and the 4 regiments, that the general did draw up his own regiment; and that then did God begin, in them, to shew his own work; and not only in them, but by a regiment raised in Essex, another regiment raised in this city under the command of Mr. Hollis, and one regiment of my lord Brooke's which had the day upon them. These were the men that were, ignominiously, reproached by the name of 'Round-Heads:' but by these 'Round-Heads' did God shew himself a most glorious God: and truly, gentlemen, they that will report to you the number of our dead, farther than we have reported them to you, must find them many miles from the army; and then they were men that ran away so far, that it was no matter who killed them; for our men, killed any where about the place, we cannot find in all, or think of, above 300, and you will say they were well lost that run away; there were few lost of them that stood their ground, and they that were so lost were lost with honour: so that truly I can say no more to you, in such a cause as this, that you have undertaken with your purses and with your persons: God hath shewed himself with us; be you but courageous and we never need doubt it. And so we say all."

Then the earl of *Pembroke* said; "My lord mayor, and you gentlemen of the city; I am commanded, and the reason that makes me trouble you at this time with saying any thing, is by reason of a Letter I received from the committee, which I think, is a Letter of some consequence, and fitting for you to see; otherwise I am so ill a speaker, after such a declaration made to you, that I have not the boldness to say any thing to you; but truly though I say little, yet I have ever had so good a heart to this business, that I shall ever live and die in it.—Gentlemen, you have shewed yourselves like brave and noble citizens; you have acted

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with that nobleness, with that alacrity, with that love to God, king, and parliament, that none of your ancestors before ever shewed more love, nor care, nor zeal, nor performed better. I have only this to say to you, If the times are such, (not that I think there is any great peril in the king's army, now, for we have told you nothing but the truth) yet when you have seen this Letter, you will find there is very good cause for you to crown this work; which must be by following it with the same zeal, love, care, nobleness, and alacrity; which if you do, you may well crown yourselves with the name of a glorious city, and none more."

Here the Letter was read as follows:

"To the earl of Cumberland, general of his majesty's Forces in the North: My very good lord; Your lordship's, of the 20th of this month, I have received by Stockdale, and have read it to his majesty; who willed me to signify to your lordship, that he is well pleased with your lordship's continuing of the sheriff in his place, albeit he sent a writ for his discharge. His majesty takes a special notice of your lordship's vigilancy and care in the trust he hath reposed in your lordship, as he hath, by many gracious expressions, declared at several times openly, upon conference of your business in that county. Your lordship's care of my lady duchess of Buckingham is, I assure you, very well taken by his majesty. Sir Ralph Hopton, and other gentlemen in the West, have raised 10,000 horse and foot, with which they have already disarmed all persons in Cornwall that are disaffected to the king: they have taken Launceston, and are marching into Devonshire, to disarm the disaffected there, and so intend to come to meet the king at London. There are also in Wales about 6 or 7000 men levied for the king, which are to be under the marquis of Hertford, that will be ready upon all occasions to come to his majesty; but we hope he will not need their help, having given the earl of Essex such a blow, as they will make no haste again to adventure themselves in that cause against God's Anointed. Your &c. EDW. NICHOLAS. Edgscot, Northamp. Oct. 24, 1642."

After reading this Letter,

The earl of *Holland* said:—"My lord mayor, and you gentlemen of the city; It is more by obedience than confidence, that I say any thing to you at this time. That which I shall say to you, is to observe on the Relation that this noble lord hath made: in the first part of it what deliverance God hath sent you, that in a danger (and indeed such as, I am confident, all that were there believed the cause of religion, and liberty, and all lost) you saw what a present turn it had; such a one, as if it did not give us the victory, yet it gave us the advantage, that is certain; and truly a very great one, especially when it was taken from so unhappy a condition as we were likely to be in; wherein God hath shewed us what a danger might have fallen upon us: and certainly it is because every man should consider, in that danger, what he might have suffered, and what his cause might have suffered; and by this to give you all warning, that as he hath now begun to deliver you only by his hand, and by his power, he will expect that you will express such a thankfulness to him for it, as now to make his cause your work; and to do it with your hands boldly and with courage.—For by this Letter that you have heard read now, you see what is threatened against you: the least that you must expect as to this great army of the king's is, that certainly, by the disposition of those that command it, and have great power in it, they intend you no less (and that is to be believed) than the destroying of the city and your persons, and the preying upon your fortunes. This is not all; for you see if this doth not prevail, or be not powerful enough, an army must come from the West; you see the preparation of another in the North; from all parts of the kingdom the sword is drawn against you: and truly, having those ill intentions that they certainly have, it is the wisest course they can take; for in your city is the strength of the kingdom indeed; it is not only the life but the soul of it: if they can destroy you here, the rest of the kingdom must all submit and yield; and, in that yielding, must give over the maintenance of all that is most dear to them."

Then lord *Say and Sele* made the following speech: "My lord and gentlemen, It cannot be doubted by what you have heard but that the intentions of these malignant, mischievous counsellors, and these men of desperate fortunes that they have gathered to them, and into whose hands they have put our king, are, that this rich and glorious city should be delivered up as a prey, as a reward, to them for their treason against the kingdom and the parliament; that your lives should satisfy their malice; your wives, your daughters their lust; and religion itself, the dearest thing of all others to us, should be made merchandize of to invite Papists, to invite foreigners.—Notwithstanding their intentions, let no man's heart be discouraged: you have power enough in your hands to bring all this wickedness upon their own heads, through God's blessing: if you will use your hands, if you will hold them up to serve your God, to defend the true religion of Almighty God, to defend your lives, to defend this kingdom and the parliament, you need not fear any thing that can be done by this broken army; nor fear those things that are here written in this Letter, nor those things that are falsely buzzed abroad by a Malignant Party in your city, to amaze you. There is no fear of danger, but in security, in sitting still; and therefore if you will be stirred up (as I cannot doubt, cannot imagine but you will) to do what every man, both by the law of God, and by the law of nature in this case, will be induced to do, through God's blessing, you shall both honour God, maintain the true religion, save this kingdom, save the parliament, and crown your good beginnings that God hath pleased to

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shew himself unto us in.—This is not now a time for men to think with themselves, that they will be in their shops to get a little money: this is a time to do what you do in common dangers; let every man take his weapons in his hand, let him offer himself willingly to serve his God, and to maintain true religion. You may remember what God saith by the prophet, 'My heart is set upon those people that are willing to offer themselves willingly upon the high places:' let every man therefore shut up his shop, let him take his musket, let him offer himself readily and willingly; let him not think with himself, Who shall pay me? but rather think this, 'I will come forth to save the kingdom, to serve my God, to maintain his true religion, to save the parliament, to save this noble city; and when this danger is overcome, I will trust the state that they will have a regard unto whatsoever may be fit, either for my reparation in any loss, or for my reward.' Do as you do in common dangers, as when there is a house on fire; men ask not who shall pay them their day's wages; but every man comes forth of his doors; helps to quench the fire; brings a bucket, if he has one; borrows one of his neighbour, if he has not: when the fire is quenched then the city will regard to repair any man that has suffered all day. That do you; every one bring forth his arms, if he has any; if he has none, let him borrow them of his neighbour, or he shall be armed by the state; let every man arm himself and his apprentices, and come forth with boldness, and with courage, and with chearfulness, and doubt not but God will assist you; for this is God's cause; and that should be your encouragement: they are Papists, they are Atheists, that come to destroy you: they come indeed, in the first and principal aim, to destroy religion: Papists are invited; they have commissions, are these the men that should defend the Protestant religion, when they are Papists and Recusants? If you shall come forth, God will go forth with you, he will fight for you, he will save you; but how? He will not save you without yourselves. You may remember what was said, 'Curse ye Meroz, because they came not out to help the Lord against the Mighty.' He needs not your help, but he will use your service, that he may bless you; and therefore let every man be encouraged, let him shew his readiness, let him shew his forwardness. Remember what the Scripture saith, 'Hear, O Israel, God is with you so long as ye are with him.' The lord will be with you in this cause, for it is his cause; but then you must shew yourselves ready to be with him. But I need not use these speeches to those that have expressed, already, so much affection as you have done; I shall only encourage you to go on: be not therefore daunted; let not malignant parties, that go up and down, and would go about to inform you that there are these fears and these dangers, let them not, I say, make you be wanting to yourselves; fear them not at all. I shall conclude with this which the good king said, 'Up and be doing, and the Lord be with you."

Then the Lord *Wharton* spoke again;—"Gentlemen, I shall trouble you but with a word or two; the one is upon part of that Narrative which I began withal; wherein, truly, I take myself to be very beholding to that gentleman that spoke after me, that he did not forget to inform you of the extraordinary blessing that God bestowed upon the courage of honest, pious, and religious men; for, truly, there was very few that did any extraordinary service, but such as had a mark of religion upon them. That which I omitted to tell you was this, That one great cause of our preservation, and of the success of that day, was the barbarousness and inhumanity of prince Rupert and his troops; who, while we were a-fighting, not only pillaged the baggage, (which was a poor employment!) but most barbarously killed the country men that came in with their teems, and women and children that were with them This I think comes not amiss to tell you, because you may see what is the thing they aim at, which is pillage, and baggage, and plundering; and the way which they would come by it is murdering and destroying: and therefore it will come in very properly, to encourage you to that work, which the two noble lords have so well opened to you, which is the standing upon your defence."

The Earl of *Holland* concluded thus:—"My lord-mayor and gentlemen; It is but a word or two that I shall say to you, for the shutting up of this business. The danger hath been represented to you, we must desire you likewise to consider how near it moves, so that you must resolve and act both together. We conceive this army will be at Oxford as this night, that is within such a distance as, within three days, they may march to London. It is very necessary for you to provide against this, as a danger that may be very suddenly upon you, if they should chance to march before our army; and with such an advantage as to break up bridges, or any such thing as may hinder our army to move presently and suddenly after them. Consider how open you are to this danger, if you provide not presently for it: therefore, as we have given you reasons, and indeed as you may take almost from your own reasons, to defend yourselves, it will be very necessary for you to look upon this as a danger, that will not allow the loss of an hour in providing against it: and that is all I shall say unto you."

END OF VOLUME II.

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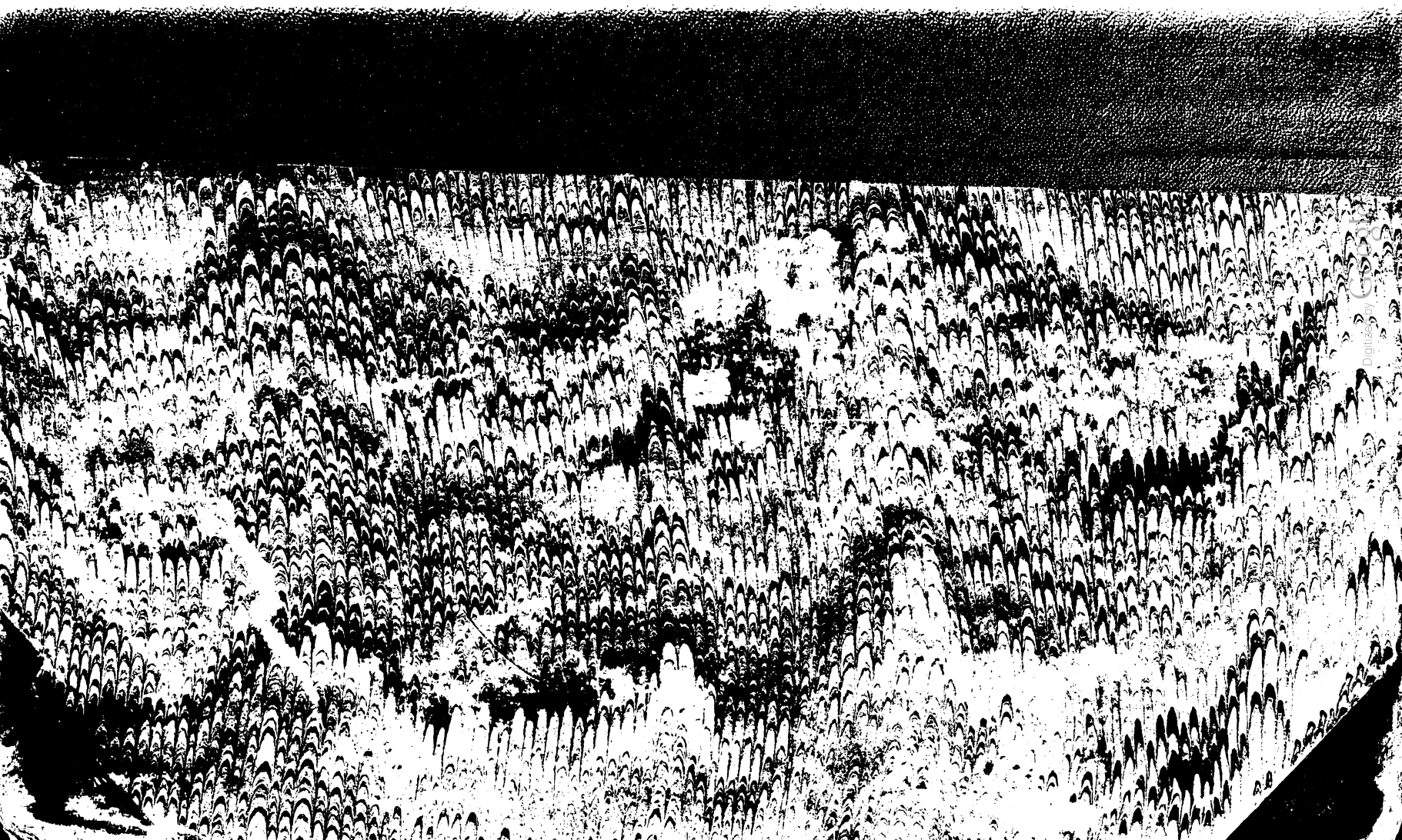
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